2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4200. Also, petition of St. Aloysius' Parish, of Pottstown, Pa., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4201. Also, petition of Catholic Men's Society, of Richardson, N.Dak., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4202. Also, petition of St. Mary's Parish, of Newell, S.Dak., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4203. By Mr. DONDERO: Resolution or petition of the city commission, of Pleasant Ridge, Mich., urging the passage of the McLeod bank pay-off bill, providing for the full payment by the Government of all deposits frozen in closed National and State banks; to the Committee on Banking and Currency.

4204. By Mr. SMITH of West Virginia: Petition of G. E. Callison and other residents, of Fayette County, W.Va., favoring the passage of the McLeod bank bill; to the Committee on Banking and Currency.

4205. By Mr. WOLCOTT: Memorial of the Council of the City of East Detroit, Mich., urging the passage of the McLeod bill (H.R. 7908) for the relief of bank depositors; to the Committee on Banking and Currency.

4206. By the SPEAKER: Petition of the Lake County Deanery Council of Catholic Men, of the State of Indiana, urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

SENATE

WEDNESDAY, APRIL 25, 1934

The Senate met at 11 o'clock a.m.

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

Gracious Father, by whose mercy we are brought to this another day, whose dawning hath revealed anew the blessedness of home and family ties, with all their tender fellowships made holy by the love enshrined in human hearts: Give us a higher, nobler vision of our country, that by our faith and insight we may strive to mold the destiny of America into one great family, wherein each shall share the burden of a common purpose to recover the lost sense of eternal values and to live not for himself but for his brother man.

Intensify in us Thy miracle of love, that we may emerge from the shadow of darkness into the clear dawning of a new day, hallowed by the sense of blest communion and fellowship with all the nations of the earth. We ask it for the sake of Him of whom the whole family in heaven and in earth is named, Jesus Christ, Thy Son, our Lord. Amen.

THE JOURNAL

On motion of Mr. ROBINSON of Arkansas, and by unanimous consent, the reading of the Journal for the calendar days Monday, April 23, and Tuesday, April 24, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

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

Mr. ROBINSON of Arkansas. I desire to announce that the Senator from California [Mr. McADOO] is detained from the Senate by illness, and that the Senator from North Carolina [Mr. BAILEY], the Senator from Florida [Mr. TRAMMELL], the Senator from Maryland [Mr. TYDINGS], and the Senator from Illinois [Mr. LEWIS] are necessarily absent.

Mr. FESS. I desire to announce that the senior Senator from Rhode Island [Mr. METCALF], the junior Senator from Rhode Island [Mr. HEBERT], and the Senator from Delaware [Mr. TOWNSEND] are necessarily absent.

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

HOARDERS OF SILVER (S.DOC. 173, PT. 2)

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Treasury, transmitting, in further response to Senate Resolution 211 (submitted by Mr. ROBINSON of Indiana, and agreed to Mar. 20, 1934), a list of names, commencing with I through Z, of hoarders of silver, which, with the accompanying paper, was ordered to lie on the table and to be printed, and the letter was read, as follows:

THE SECRETARY OF THE TREASURY,
Washington, April 25, 1934.

Col. EDWIN A. HALSEY,
Secretary United States Senate.

MY DEAR COLONEL HALSEY: I am transmitting herewith the remainder of the list of the indicated holders of spot silver and silver futures as of January 31, 1934, as to which information appears to be complete.

In the course of the inquiry, the names of certain other persons and firms have appeared as owners of spot silver and silver futures as of January 31, 1934, but in these cases the information is not complete. Since further investigation would be required to complete the information in many of these cases, I shall transmit these names to the Chairman of the Committee on Banking and Currency, which has cooperated in making the inquiry. If further information in this matter should come to me, I shall be glad to turn it over to the same committee.

Sincerely yours,

HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

JANUARY REPORT OF FEDERAL EMERGENCY RELIEF ADMINISTRATION

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Federal Emergency Relief Administration, transmitting, pursuant to law, the report of the Federal Emergency Relief Administrator covering the period from January 1 to January 31, 1934, inclusive, which, with the accompanying report, was ordered to lie on the table.

JUDGMENTS OF THE COURT OF CLAIMS

The VICE PRESIDENT laid before the Senate a letter from the Chief Clerk of the Court of Claims reporting that in certain cases, which were referred to the court on March 3, 1923, by resolution of the Senate, under the act of March 3, 1911 (known as the Judicial Code), the court filed orders entering judgments in the amounts and dates set forth: Congressional, No. 17627, Alton Boyd, trading as Washington Oil Co., March 5, 1934, judgment for $20,793.76; Congressional, No. 17626, Crescent Cotton Oil Co., April 2, 1934, judgment for $49,099.24, less $2,722.93 unpaid income tax due with interest at 1 percent per month from March 9, 1928, until date of payment; Congressional, No. 17346, New South Oil Mill, April 2, 1934, judgment for $4,138.10; Congressional, No. 17354, Warren Cotton Oil & Manufacturing Co., April 2, 1934, judgment for $12,248.75; Congressional, No. 17396, Marion Harper Cotton Oil Co., April 2, 1934, judgment for $34,358.24; and Congressional, No. 17628, Atlanta Cotton Oil Co., April 2, 1934, judgment for $25,929.15, which was referred to the Committee on Appropriations.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a letter in the nature of a petition from the Publicity Committee of Welfare Association of the Blind, of Youngstown, Ohio, praying for the passage of the bill (H.R. 8751) to provide employment for the blind citizens in the United States and its possessions, which was referred to the Committee on Education and Labor.

He also laid before the Senate a resolution adopted by Local Union No. 3831, United Mine Workers of America, of Rock Springs, Wyo., favoring the passage of the so-called "Wagner-Lewis bill", being the bill (S. 2616) to raise revenue by levying an excise tax upon employers, and for other purposes, which was referred to the Committee on Finance.

He also laid before the Senate a letter from Emmet Evans, of Stanberry, Mo., relative to existing business and employment conditions, enclosing a paper in the nature of a petition from the Ex-Service Men's Committee, Delta, Colo., praying for the passage of House bill 1, providing payment of adjusted-service certificates (bonus), which, with the accompanying paper, was referred to the Committee on Finance.

He also laid before the Senate a letter in the nature of a petition from William Platt, chairman of the Nebraska Legislative Committee, Order of Railway Conductors, Chadron, Nebr., praying amendment of the railway labor act so as to provide 6 hours' work with 8 hours' pay therefor, and also favoring other legislation in the interest of railway employees, which was referred to the Committee on Interstate Commerce.

He also laid before the Senate a resolution adopted by the City Council of Cambridge, Mass., favoring the passage of the so-called "Costigan-Wagner antilynching bill", which was ordered to lie on the table.

He also laid before the Senate a resolution adopted by a mass meeting held at the Palace Ground, Honolulu, Hawaii, under the auspices of the Hawaii Labor Federation and the Filipino Labor Union, favoring acceptance by the Philippine Legislature of the so-called "Philippine Independence Act", which was ordered to lie on the table.

He also laid before the Senate a telegram from Anna Jarvis, founder of Mother's Day, Inc., Philadelphia, Pa., stating in part, "Mother's Day Senate Resolution 218 was put through Senate secretly from Mother's Day workers here. Resolution should not pass Senate until it is sent here for approval. Please respect our wishes", which was ordered to lie on the table.

Mr. CAPPER presented petitions of Salt Workers Union No. 19,346, American Federation of Labor, of Lyons, and sundry citizens of Topeka, in the State of Kansas, praying for the passage of the so-called "Wagner-Lewis bill", being the bill (S. 2616) to raise revenue by levying an excise tax upon employers, and for other purposes, which were referred to the Committee on Finance.

He also presented petitions and papers in the nature of petitions from Local Union No. 918, United Brotherhood of Carpenters and Joiners, of Manhattan; Local Unions No. 40 and No. 125, Amalgamated Meat Cutters and Butcher Workmen of North America, of Wichita; Local Union No. 1587, of Hutchinson, Local Union No. 1224, of Emporia, and Local Union No. 1445, of Topeka, all of the United Brotherhood of Carpenters and Joiners of America; Bricklayers and Masons' Union, No. 18, of Kansas City, and The Order of Railroad Telegraphers, of Humboldt, all in the State of Kansas, praying for the passage of the bill (S. 2926) to equalize the bargaining power of employers and employees, to encourage the amicable settlement of disputes between employers and employees, to create a National Labor Board, and for other purposes, which were referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES

Mr. ASHURST, from the Committee on the Judiciary, to which was referred the joint resolution (H.J.Res. 10) requesting the President to proclaim October 12 as Columbus Day for the observance of the anniversary of the discovery of America, reported it without amendment and submitted a report (No. 820) thereon.

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

H.R. 518. An act for the relief of T. Perry Higgins (Rept. No. 821);

H.R. 2026. An act for the relief of George Jeffcoat (Rept. No. 822);

H.R. 2321. An act for the relief of Capt. J. O. Faria (Rept. No 823);

H.R. 2561. An act for the relief of G. Elias & Bro., Inc. (Rept. No. 824);

H.R. 4779. An act for the relief of the estate of Oscar F. Lackey (Rept. No. 825); and

H.R. 5284. An act for the relief of the Playa de Flor Land & Improvement Co. (Rept. No. 819).

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

H.R. 190. An act for the relief of Elizabeth T. Cloud (Rept. No. 826);

H.R. 2340. An act for the relief of Russell & Tucker and certain other citizens of the States of Texas, Oklahoma, and Kansas (Rept. No. 827);

H.R. 3611. An act for the relief of Frances E. Eller (Rept. No. 828); and

H.R. 7279. An act for the relief of Porter Bros. & Biffle and certain other citizens (Rept. No. 829).

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

H.R. 3463. An act for the relief of Walter E. Switzer (Rept. No. 830); and

H.R. 4847. An act for the relief of Galen E. Lichty (Rept. No. 831).

Mr. LOGAN also, from the Committee on Claims, to which was referred the act (H.R. 4516) for the relief of B. Edward Westwood, reported it with an amendment and submitted a report (No. 832) thereon.

Mr. WHITE, from the Committee on Claims, to which was referred the bill (S. 294) for the relief of Stanton & Jones, reported it with amendments and submitted a report (No. 833) thereon.

Mr. NORBECK, from the Committee on Indian Affairs, to which was referred the bill (S. 2585) authorizing and directing the Secretary of the Interior to cancel patent in fee issued to Victoria Arconge, reported it with an amendment and submitted a report (No. 834) thereon.

BILLS INTRODUCED

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

By Mr. ROBINSON of Arkansas:

A bill (S. 3456) for the relief of Harry Roland Burgess; to the Committee on Naval Affairs.

By Mr. SHEPPARD:

A bill (S. 3457) to authorize the Secretary of War to sell or dispose of certain surplus real estate of the War Department (with accompanying papers); to the Committee on Military Affairs.

By Mr. ASHURST:

A bill (S. 3458) for the relief of Joseph A. Frayne; to the Committee on Naval Affairs.

By Mr. CAPPER:

A bill (S. 3459) to exempt from taxation certain property of the Daughters of Union Veterans of the Civil War in the District of Columbia; to the Committee on the District of Columbia.

A bill (S. 3460) granting a pension to Claude A. Pomeroy (with accompanying papers); to the Committee on Pensions.

By Mr. WAGNER:

A bill (S. 3461) for the relief of Mrs. Hugh J. Finn; to the Committee on Naval Affairs.

By Mr. DILL:

A bill (S. 3462) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes; to the Committee on Naval Affairs.

By Mr. WHEELER:

A bill (S. 3463) to authorize the addition of certain names to the final rolls of the Blackfeet Tribe of Indians in the State of Montana; to the Committee on Indian Affairs.

By Mr. FLETCHER:

A bill (S. 3464) to retire Walter L. Rasasco with the rank of second lieutenant, Air Corps, United States Army; to the Committee on Military Affairs.

By Mr. THOMAS of Oklahoma:

A bill (S. 3465) granting a pension to Hugh B. Furman (with accompanying papers); to the Committee on Pensions.

By Mr. KING:

A bill (S. 3466) relative to small loans in the District of Columbia; to the Committee on the District of Columbia.

CLAIM OF STATE OF VERMONT, WAR OF 1812

Mr. AUSTIN. Mr. President, I ask unanimous consent for the immediate consideration of a resolution, which I send to the desk.

The VICE PRESIDENT. The clerk will read the resolution.

The Chief Clerk read the resolution (S.Res. 224), as follows:

Resolved, That the Comptroller General of the United States be, and he hereby is, authorized and directed to audit the claim of the State of Vermont with respect to advances and expenditures made by such State for military purposes during the War of 1812–15, with Great Britain, and after applying the rules of evidence and settlement to this class of claims, provided for in resolution of May 14, 1836 (5 Stat.L. 132), and in section 12 of the act approved March 3, 1857 (11 Stat.L. 229), to submit to the Senate a report containing the results of an audit of such claim, in conformity with said rules.

Mr. ROBINSON of Arkansas. Mr. President, I ask that the resolution go over.

The VICE PRESIDENT. The resolution will lie over, under the rule.

INVESTIGATION OF AIR-MAIL AND OCEAN-MAIL CONTRACTS—PRINTING ADDITIONAL COPIES OF HEARINGS

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the concurrent resolution (S.Con.Res. 13) to authorize the printing of additional copies of the hearings held before the special committee appointed to investigate air- and ocean-mail contracts, which was, on page 1, line 7, to strike out all after "contracts" down to and including "Senator", in line 8, so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That, in accordance with paragraph 3 of section 2 of the Printing Act, approved March 1, 1907, the Special Committee on Air and Ocean Mail Contracts of the Senate be, and is hereby, empowered to have printed 1,500 additional copies of each and all parts of the testimony taken before said special committee during the Seventy-third Congress in connection with its investigation of air-mail and ocean-mail contracts.

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

The motion was agreed to.

PURCHASE OF VEHICLES FROM EMERGENCY RECOVERY FUND

Mr. DICKINSON. Mr. President, will it be satisfactory to the Senator from Arkansas [Mr. ROBINSON] to take up for consideration at this time Senate Resolution 217, concerning which I spoke to him yesterday?

Mr. ROBINSON of Arkansas. Mr. President, with respect to the request of the Senator from Iowa, I understood in conference with him yesterday that some modification of the resolution was to be made, including the striking out of the preamble.

Mr. DICKINSON. I think it necessary, in order to obviate an entire rewriting of the resolution, that the first paragraph of the preamble should remain. It gives merely the facts to be ascertained and identifies the correspondence. I inquire if it will be satisfactory to the Senator from Arkansas merely to strike out the second "whereas"?

Mr. ROBINSON of Arkansas. Yes; that is the portion of the resolution in the preamble to which I object. If that is stricken out I shall interpose no objection to the present consideration of the resolution.

Mr. DICKINSON. Very well. I shall ask that the second "whereas" be stricken from the resolution, and then I have an amendment to offer, in line 3, following the word "with", to insert "copies of", so it will read "copies of correspondence."

Mr. ROBINSON of Arkansas. I have no objection to the amendment.

The VICE PRESIDENT. The clerk will read the resolution, and then the amendment may be stated.

The Chief Clerk read the resolution (S.Res. 217), submitted by Mr. DICKINSON on the 4th instant, as follows:

Whereas under date of April 4, 1934, an Executive order was made overruling the decision of Comptroller General J. R. McCarl wherein the Secretary of the Interior, Harold Ickes, was denied the right to purchase passenger-carrying vehicles out of emergency recovery funds under the National Recovery Act; and

Whereas it is of public interest to know whether the National Recovery Act supersedes other statutes controlling Federal expenditures: Therefore be it

Resolved, That Secretary of the Interior Harold Ickes and Comptroller General J. R. McCarl be requested to furnish the Senate with all correspondence, contracts, and memoranda in connection with such transaction, together with a copy of the Executive order made in connection therewith.

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

There being no objection, the Senate proceeded to consider the resolution.

Mr. DICKINSON. I now offer the amendment, in line 3, after the word "with", to insert "copies of", so as to read, "with copies of all correspondence", and so forth.

The VICE PRESIDENT. The Senator from Iowa offers an amendment, which the clerk will state.

The CHIEF CLERK. In line 3, after the word "with", it is proposed to insert "copies of", so as to read, "furnish the Senate with copies of all correspondence", and so forth.

The VICE PRESIDENT. Without objection, the amendment is agreed to; and without objection, the resolution as amended is agreed to.

Mr. DICKINSON. I now ask unanimous consent to strike out the second "whereas" of the preamble.

The VICE PRESIDENT. Without objection, that will be done. The question is on agreeing to the preamble as amended.

The preamble as amended was agreed to.

BEEF AND BEEF PRODUCTS

Mr. CAREY. Mr. President, I ask unanimous consent for the present consideration of Senate Resolution 182, submitted by me on February 12, 1934.

The VICE PRESIDENT. Let the resolution be read.

The Chief Clerk read the resolution (S.Res. 182), as follows:

Resolved, That the United States Tariff Commission is directed, under the authority conferred by section 336 of the Tariff Act of 1930, and for the purposes of that section, to investigate the differences in the costs of production of the following domestic articles and of any like or similar foreign articles: Beef and beef products dutiable under the provisions of paragraphs 701 and 706 of such act.

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

Mr. CAREY. I desire to offer some amendments. I move to amend in line 6, by striking out the words "beef and beef products" and inserting in lieu thereof the words "preserved beef."

Mr. ROBINSON of Arkansas. I ask the Senator to let the resolution go over for the present.

Mr. CAREY. I merely want the resolution confined to canned beef rather than to general beef products.

Mr. ROBINSON of Arkansas. Let it go over for the present.

The VICE PRESIDENT. The resolution will be passed over.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8617) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1935, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate numbered 7, 8, 9, 10, 11, 13, 17, and 30, to the said bill, and concurred therein, and that the House had receded from its disagreement to the amendments of the Senate numbered 12, and 16, and concurred therein, each with an amendment, in which it requested the concurrence of the Senate, and that the House insisted upon its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, and 15 to the said bill.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8861) to include sugar beets and sugar cane as basic agricultural commodities under the Agricultural Adjustment Act, and for other purposes, and that the House had receded from its disagreement to the amendment of the Senate no. 59 to said bill, and concurred therein with an amendment, in which it requested the concurrence of the Senate.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

LENIN'S "BEST WAY"—ARTICLE BY FREDERICK H. ALLEN

Mr. COPELAND. Mr. President, I ask permission to insert in the RECORD a communication to the New York Herald Tribune signed by Frederick H. Allen and entitled "Lenin's Best Way.'"

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

[From the New York Herald Tribune, Apr. 17, 1934]

LENIN'S "BEST WAY"

To the New York Herald Tribune:

When I was a member of the Peace Conference in Paris in 1919, some of us received information, based on reliable authority, that Lenin had declared that the best way to advance bolshevism and to destroy the capitalistic system was to debauch the currency. By the process of inflation, one step following the other, governments can confiscate a large part of the wealth of their citizens and continue this more or less quietly and without its being realized by them; and this confiscation, such as happened in Germany, impoverishes most people but at the same time enriches others.

Those who profit are the speculators, the get-rich-quick people, but the backbone of any country is the people who have saved, the owners of prime securities such as bonds, mortgages, etc.—these, the great middle classes, are wiped out if inflation goes far enough. Wealth-getting becomes a gamble. The relation of debtor and creditor, which is the foundation of capitalism, finally means nothing and, as happened in Germany, debts are wiped off with money of little or no value. Bonds of the great German companies which had been considered prime securities were paid off with worthless marks. The popular indignation aroused against the speculators in Germany will be remembered (the Scheibers).

What is happening in the United States today is very much like what happened in so many of the European countries during the war. Almost all the governments so expanded their currencies that these had greatly declined in value. One step leads to another. We have had a great expansion of credit. We have devalued the dollar to 60 percent of its former gold value. We now have the Dies silver bill, which looks to the nationalization of silver and the encouragement of the export of farm products by giving 25 percent discount under the value of silver to countries paying for these farm products in silver. Hence, a subsidy for the silver interests.

The bill is cleverly headed "A Bill to Encourage the Sale of American Agricultural Surplus Products Abroad." This is to secure the help of the farming interests for the passage of the bill; but what the farmer does not realize is that the prices of what he has to buy will probably go up much faster than the price he gets for his surplus crops. This bill has, furthermore, taken on a more inflationary aspect by the Thomas amendment in the Senate. It seeks further inflation by unlimited purchases of silver until a price of $1.29 an ounce is reached (the present price of silver is 48 to 49 cents). Purchases are directed at "the rate of not less than 50,000,000 ounces a month." These purchases are to continue "until the general domestic price level, as measured by the Bureau of Labor Statistics, equals the price level of 1926, or until 371.25 grains of fine silver shall equal in purchasing power $1 in gold * * * whereupon in either instance the purchase of silver under this section shall be suspended."

Further inflationary measures now before Congress are the McLeod bill, to force the Government to pay the losses of all depositors in closed member banks of the Federal Reserve System, and the Frazier bill, providing for the Government to refinance farm-mortgage debts through an issue of $3,500,000,000 in Federal Reserve notes. Then there has been the threat to pay the adjusted-service certificates with greenbacks.

Thus we seem to be taking, or trying to take, one step after another toward debauching the currency; and Lenin's statement may prove prophetic. In Germany, inflation, by wiping out the middle classes, has resulted in Hitlerism and state capitalism, and in Italy we have state capitalism also. Labor is under the yoke in both countries and will suffer most from the proposed inflation, together with everyone else except the speculators and the silver-mine owners. The priest, Coughlin, seems to be leading the dance.

FREDERICK H. ALLEN.

CHARLESTON, S.C., *April 14, 1934.*

INCLUSION OF SUGAR BEETS AND SUGAR CANE AS BASIC COMMODITIES—CONFERENCE REPORT

Mr. COSTIGAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8861) to include sugar beets and sugar cane as basic agricultural commodities under the Agricultural Adjustment Act, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 47 and 48.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 11½, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 49, 50, 51, 52, 53, 54, 55, 56, 57, and 58, and agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: On page 5 of the Senate engrossed amendments, line 20, after the word "section", insert a comma and the following: "except quotas fixed by paragraph (B) of this subsection"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: On page 9 of the House bill, line 15, after the word "Act", insert "relating to sugar beets, sugar cane, or the products thereof"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert "and will fix minimum wages for workers or growers employed by the producers and/or processors of sugar beets and/or sugar cane who are parties to such agreements"; and the Senate agree to the same.

The committee of conference report in disagreement amendment numbered 59.

PAT HARRISON,
WILLIAM H. KING,
W. F. GEORGE,
E. P. COSTIGAN,
JAMES COUZENS,
Managers on the part of the Senate.

MARVIN JONES,
H. P. FULMER,
WALL DOXEY,
CLIFFORD R. HOPE,
J. ROLAND KINZER,
Managers on the part of the House.

Mr. BORAH. Mr. President, I desire to ask the Senator from Colorado [Mr. COSTIGAN] a question with reference to the conference report. If the Senator will turn to the CONGRESSIONAL RECORD of yesterday, in the House proceedings,

at page 7470, he will see a certain amendment there set out. I should like to have his view as to the effect of the amendment which was attached to Senate amendment 59 in the conference report.

Mr. COSTIGAN. The Senator from Idaho refers to the House amendment to the Senate amendment numbered 59?

Mr. BORAH. Yes; and I want to know what is the effect of the House amendment to the Senate amendment. I have a view of it, but I do not know that I am correct.

Mr. COSTIGAN. The purpose of the amendment, which was urged by other Senators than myself, is apparently to prevent the addition of the processing tax to the cost of any imported sugar which has paid the effective duty of 2 cents a pound on Cuban sugar.

The Senator from Idaho will recall that the President, in his original message to Congress on the subject of sugar, stated in substance that it was not intended to increase the cost of sugar to consumers.

It is the contention of certain importers of sugar that if the processing tax is to be placed on the sugar which has already paid a duty of 2 cents a pound, the result will be to discriminate against that sugar and raise its aggregate tax cost to 2½ cents a pound, as against other imported sugar which, after the proposed tariff reduction of about one half a cent per pound, will pay a tariff duty of about 1½ cents a pound, plus a processing tax of one half cent a pound, a total of 2 cents a pound. This amendment was urged as calculated to relieve importers of sugar who had paid the tariff duty of 2 cents per pound from the further imposition of the processing tax.

Mr. BORAH. Mr. President, as I understand, the effect of this amendment is to favor certain large importers of sugar; and I think it ought to be understood before we adopt this report, first, whether that is its effect, and second, whether the conferees had power to adopt any such amendment. It was not a subject which was in conference, as I understand, at all.

Mr. COSTIGAN. Mr. President, may I suggest that the Senator from Georgia [Mr. GEORGE] has requested an opportunity to be present and ought to be present during the discussion of the amendment.

The VICE PRESIDENT. This whole proceeding is by unanimous consent.

Mr. ROBINSON of Arkansas. Mr. President, I suggest that the conference report go over for the present, and that we proceed with the consideration of bills on the calendar under the unanimous-consent agreement.

Mr. BORAH. I have to go away for a little while. Will the Senator from Colorado defer calling up the conference report until I can return?

Mr. COSTIGAN. Certainly.

THE CALENDAR

The VICE PRESIDENT. The clerk will proceed with the call of the calendar under the unanimous-consent agreement.

The first business on the calendar was the bill (S. 882) to provide for the more effective supervision of foreign commercial transactions, and for other purposes.

Mr. ROBINSON of Arkansas. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 506) conferring upon the President the power to reduce subsidies, and for other purposes, was announced as next in order.

Mr. McKELLAR. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 583) relating to the classified civil service was announced as next in order.

Mr. ROBINSON of Arkansas. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 316) relative to the qualifications of practitioners of law in the District of Columbia was announced as next in order.

Mr. ROBINSON of Arkansas. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 867) to define, regulate, and license real-estate brokers and real-estate salesmen; to create a Real Estate Commission in the District of Columbia; to protect the public against fraud in real-estate transactions; and for other purposes, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S.J.Res. 29) proposing an amendment to the Constitution of the United States providing for the popular election of President and Vice President of the United States was announced as next in order.

Mr. ROBINSON of Arkansas. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 2359) to provide for the disposition of unclaimed deposits in national banks was announced as next in order.

The VICE PRESIDENT. This bill was passed on February 28, and was reinstated on March 7.

Mr. ROBINSON of Arkansas. Mr. President, some Senator indicated a desire to discuss that bill.

Mr. FLETCHER. I think the Senator from Pennsylvania [Mr. REED] said he desired to be heard about it. I do not know of any objection to the bill. It has been pending for some time.

Mr. FESS. Let it go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2500) to aid in relieving the existing national emergency through the free distribution to the needy of cotton and cotton products was announced as next in order.

Mr. FESS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2018) relative to Members of Congress acting as attorneys in matters where the United States has an interest was announced as next in order.

SEVERAL SENATORS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

MAILING OF CERTAIN DRUGS AND MEDICINES

The Senate resumed the consideration of the bill (S. 822) to amend the act entitled "An act to amend section 217, as amended, of the act entitled 'An act to codify, revise, and amend the penal laws of the United States', approved March 4, 1909", approved January 11, 1929, with respect to the use of the mails for the shipment of certain drugs and medicines to cosmetologists and barbers.

The VICE PRESIDENT. This bill was considered heretofore, and the amendment of the committee was agreed to.

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

Be it enacted, etc., That the first proviso in the first sentence of the act entitled "An act to amend section 217, as amended, of the act entitled 'An act to codify, revise, and amend the penal laws of the United States', approved March 4, 1909", approved January 11, 1929, is amended to read as follows: "*Provided*, That the transmission in the mails of poisonous drugs and medicines may be limited by the Postmaster General to shipments of such articles from the manufacturer thereof or dealer therein to licensed physicians, surgeons, dentists, pharmacists, druggists, cosmetologists, barbers, and veterinarians, under such rules and regulations as he shall prescribe."

BILL PASSED OVER

The bill (H.R. 5950) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto, was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, this is an important bill. It is expected that it will be taken up in the early future. I do not think it can be disposed of under this order.

Mr. McNARY. At the request of several Senators, I shall ask that it go over for the day.

Mr. ROBINSON of Arkansas. Very well.

The VICE PRESIDENT. The bill will be passed over.

INDIAN PUBLIC-SCHOOL BUILDING, QUEETS, WASH.

The bill (S. 236) to provide funds for cooperation with the school board at Queets, Wash., in the construction of a public-school building to be available to Indian children of the village of Queets, Jefferson County, Wash., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $10,000 for the purpose of cooperating with the public-school board of district no. 20, Jefferson County, Wash., for the construction, extension, and betterment of a public-school building at Queets, Wash.: *Provided*, That the expenditure of any money so appropriated shall be subject to the express conditions that the school maintained by the said school district in the said building shall be available to all Indian children of the village of Queets and Jefferson County, Wash., on the same terms, except as to payment of tuition, as other children of said school district: *Provided further*, That such expenditures shall be subject to such further conditions as may be prescribed by the Secretary of the Interior.

INDIAN SCHOOL, FORT PECK INDIAN RESERVATION, MONT.

The Senate proceeded to consider the bill (S. 1826) for expenditure of funds for cooperation with the public-school board at Poplar, Mont., in the construction or improvement of public-school building to be available to Indian children of the Fort Peck Indian Reservation, Mont., which had been reported from the Committee on Indian Affairs with an amendment, on page 1, line 3, after the words "to be", to strike out "expended from the appropriation for public work contained in the National Industrial Recovery Act" and to insert "appropriated from any moneys in the Treasury not otherwise appropriated", so as to make the bill read:

Be it enacted, etc., That there is hereby authorized to be appropriated from any moneys in the Treasury not otherwise appropriated the sum of $20,000 for the purpose of cooperating with the public-school board of district no. 9, town of Poplar, Mont.: *Provided*, That the expenditure of any money so authorized shall be subject to the express conditions that the school maintained by the said school district in the said building shall be available to all Indian children of Fort Peck Indian Reservation, Mont., on the same terms, except as to payment of tuition, as other children of said school district, and that accommodations in said enlarged building to the extent of one half its capacity shall be available for Indian children from the Fort Peck Reservation: *Provided further*, That such expenditures shall be subject to such further conditions as may be prescribed by the Secretary of the Interior.

The amendment was agreed to.

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

BILLS, ETC., PASSED OVER

The bill (H.R. 2632) for the relief of Wilson G. Bingham was announced as next in order.

Mr. LOGAN. Mr. President, I ask that the bill go over. The Senator from New Hampshire [Mr. BROWN] is interested in it, and I do not see him present this morning. I believe it would be better to let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2411) to amend the Emergency Railroad Transportation Act, 1933, was announced as next in order.

Mr. McNARY. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S.J.Res. 31) consenting that certain States may sue the United States and providing for trial on the merits in any suit brought hereunder by a State to recover direct taxes alleged to have been illegally collected by the United States during the fiscal years ending June 30, 1866, 1867, and 1868, and vesting the right in each State to sue in its own name, was announced as next in order.

Mr. FESS. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 2788) to amend section 5219 of the Revised Statutes, as amended (relating to State taxation of national banking associations), was announced as next in order.

SEVERAL SENATORS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

WEYMOUTH KIRKLAND AND ROBERT N. GOLDING

The Senate proceeded to consider the bill (S. 2864) for the relief of Weymouth Kirkland and Robert N. Golding, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, to Weymouth Kirkland and Robert N. Golding the sum of $5,155.76 for legal services rendered to the Railroad Labor Board, under the direction and approval of the Department of Justice.

The VICE PRESIDENT. This bill was passed on March 24, and was reconsidered and sent to the calendar.

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

MARTIN FLYNN

The Senate proceeded to consider the bill (S. 1998) for the relief of the estate of Martin Flynn, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after "4,000", strike out "with interest at the rate of —— percent per annum", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Martin Flynn, deceased, of Des Moines, Iowa, the sum of $4,000, in full satisfaction of its claim against the United States for expenses incurred by the estate in restoring to their original condition the fifth and sixth floors of the Flynn Building, Des Moines, Iowa, which were vacated on September 30, 1929, by the United States Veterans' Bureau, at the expiration of its lease.

The amendment was agreed to.

Mr. DICKINSON. Mr. President, I desire to offer an amendment to this bill.

The VICE PRESIDENT. The Senator from Tennessee [Mr. McKELLAR] has an amendment pending, which will be stated.

The CHIEF CLERK. On page 1, line 6, it is proposed to strike out "$4,000" and insert in lieu thereof "$3,025."

Mr. McKELLAR. I think that was in accordance with an understanding we had.

Mr. DICKINSON. It was in accordance with the report from the Veterans' Bureau. I now have a report from the Veterans' Bureau, of which I will read the last two paragraphs:

It now appears that the cost of installation of the lavatories by the owners of the building would be $785 rather than $975, the amount of the proposal for this work submitted by Robinson Bros.

It is considered that $785 is a reasonable charge for the installation of 13 lavatories, and, in view of the foregoing, it is recommended that the previous report of February 19, 1934, recommending payment of the claim in the amount of $3,025, be amended to recommend $3,810, which this administration believes would be a just settlement of the claim.

If it will be satisfactory to the Senator from Tennessee, I ask, in compliance with this report, to substitute the figures "$3,810" in place of "$3,025."

Mr. McKELLAR. The Senator has a report recommending the extra amount?

Mr. DICKINSON. Yes; and I will insert this letter from the Veterans' Bureau in the RECORD in support of my statement.

Mr. McKELLAR. Very well; the amendment is accepted.

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

The letter is as follows:

APRIL 7, 1934.

Hon. ERNEST W. GIBSON,
United States Senate, Washington, D.C.

MY DEAR SENATOR GIBSON: This will supplement my letter of April 4, 1934, furnishing a report regarding the estimate of $785 for the installation of lavatories in the Flynn Building, Des Moines, Iowa, which was considered in connection with S. 1998 (73d Cong.), "A bill for the relief of the estate of Martin Flynn", concerning which a report was furnished the Chairman, Committee on Claims, United States Senate, on February 19, 1934.

After a careful investigation of the facts in connection with this claim and consideration of the item of $785, including a review of the case by the solicitor, the following pertinent facts are elicited.

The lessors in this case had originally claimed $4,000 for the restoration of the premises in question and subsequently agreed

to compromise for $3,000. There were submitted by the regional manager, Des Moines, Iowa, by letter of September 4, 1931, estimates that were received and which total the $4,000 referred to. There was also submitted affidavit made by O. E. Lynch in which he sets forth:

"I further depose and say that no charge was made for doors and lavatories as the ones formerly used were put back in their proper place."

The affidavit in question, while showing that $3,000 would have been acceptable if payment had been made at that time in compromise of the original claim of $4,000, is not to be considered as limiting the amount to which the claimant is otherwise entitled, including the proper cost of reinstallation of the lavatories mentioned.

It now appears that the cost of installation of the lavatories by the owners of the building would be $785 rather than $975, the amount of the proposal for this work submitted by Robinson Bros.

It is considered that $785 is a reasonable charge for the installation of 13 lavatories and in view of the foregoing, it is recommended that the previous report of February 19, 1934, recommending payment of the claim in the amount of $3,025 be amended to recommend $3,810, which this administration believes would be a just settlement of the claim.

Very truly yours,

FRANK T. HINES, *Administrator.*

The VICE PRESIDENT. Without objection, the amendment of the Senator from Tennessee, as modified by inserting "$3,810" instead of "$3,025", is agreed to.

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

BILLS PASSED OVER

The bill (H.R. 5884) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2800) to prevent the manufacture, shipment, and sale of adulterated or misbranded food, drink, drugs, and cosmetics, and to regulate traffic therein; to prevent the false advertisement of food, drink, drugs, and cosmetics; and for other purposes, was announced as next in order.

Mr. ADAMS, Mr. McKELLAR (and other Senators). Let that go over.

The VICE PRESIDENT. The bill will be passed over.

MEDICAL CORPS OF THE REGULAR ARMY

The Senate proceeded to consider the bill (S. 2455) to increase the efficiency of the Medical Corps of the Regular Army, which had been reported from the Committee on Military Affairs with an amendment, on page 1, line 6, after "1917", to insert "*Provided,* That no back pay or allowances shall be held to have accrued prior to the passage of this act", so as to make the bill read:

Be it enacted, etc., That for the purposes of promotion there shall be credited to officers of the Medical Corps all active service as officers of the Medical Reserve Corps rendered by them between April 23, 1908, and April 6, 1917: *Provided,* That no back pay or allowances shall be held to have accrued prior to the passage of this act.

Mr. ROBINSON of Arkansas. Mr. President, let me ask the Senator in charge of the bill to state the effect of the proposed legislation.

Mr. CAREY. Mr. President, this bill will grant certain promotions to officers of the Medical Corps which they have been denied, not by law but by action of the Secretary of War. Under the law, the Regular officer gets his promotion for the time he served during the war. These men are placed on the list so that they are not given credit for the time they served in the Organized Reserves during the period prior to the war.

Mr. ROBINSON of Arkansas. Is the committee report a unanimous one?

Mr. CAREY. The committee report was unanimous.

Mr. ROBINSON of Arkansas. Very well.

Mr. McKELLAR. May I ask how many officers are included?

Mr. CAREY. About 230, if I remember correctly.

Mr. McKELLAR. And what will be the cost of the measure?

Mr. CAREY. I cannot tell the Senator the cost; but this bill gives the medical officers the rank to which they are entitled on the same basis as other officers of the Army.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

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

OHIO RIVER BRIDGE, SISTERSVILLE, W.VA.

The bill (S. 3046) creating the Sistersville Bridge Commission and authorizing said commission and its successors and assigns to construct, maintain, hold, and operate a highway bridge across the Ohio River at or near Sistersville, W.Va., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the Sistersville Bridge Commission (hereinafter created, and hereinafter referred to as the "commission"), and its successors and assigns, be, and is hereby, authorized to construct, maintain, hold, and operate a highway bridge and approaches thereto across the Ohio River at or near the city of Sistersville, W.Va., at a point suitable to the interests of navigation, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters", approved March 23, 1906, subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the commission and its successors and assigns the right and power to enter upon such lands and to acquire, condemn, occupy, possess, and use such real estate and other property in the State of West Virginia and the State of Ohio as may be needed for the location, construction, operation, and maintenance of such bridge and its approaches, upon making just compensation therefor, to be ascertained and paid according to the laws of the State in which such real estate and other property are located, and the proceedings therefor shall be the same as in the condemnation of private property for public purposes in said States, respectively.

SEC. 3. All contracts made in connection with the construction of the said bridge which shall involve the expenditure of more than $5,000 shall be let by competitive bidding after reasonable advertisement for bids. Sealed bids shall be required, and all such contracts shall be let to the lowest responsible bidder.

SEC. 4. The commission and its successors and assigns are hereby authorized to provide for the payment of the cost of the bridge and its approaches, and the necessary lands, easements, and appurtenances thereto, by an issue or issues of interest-bearing negotiable bonds of the commission, for the security of which the commission may mortgage, pledge, or otherwise hypothecate all of the property it is authorized to hold, together with the income therefrom.

SEC. 5. The bridge constructed under the authority of this act shall be deemed to be an instrumentality for interstate commerce, the postal service, and military and other purposes authorized by the Government of the United States and said bridge and the bonds issued in connection therewith and the income derived therefrom shall be exempt from all Federal, State, municipal, and local taxation. Said bonds shall be sold in such manner and at such time or times and at such price as the commission may determine, so as to produce the cost of the bridge and its approaches, and the land, easements, and appurtenances used in connection therewith. The cost of the bridge shall be deemed to include interest during construction of the bridge, and all engineering, legal, architectural, traffic surveying, and other expenses incident to the construction of the bridge, and the acquisition of the necessary property, and expenses incident to the financing thereof.

SEC. 6. For transit over the said bridge there shall be charged tolls sufficient to pay the cost and expense of operating and maintaining the bridge, interest on the indebtedness of the commission, and provide a sinking fund to pay off the principal of said indebtedness at maturity. Such tolls shall be fixed by the commission, subject, however, to the power with respect thereto vested in the Secretary of War by the said act of March 23, 1906.

SEC. 7. After a sinking fund sufficient for the amortization of all indebtedness of the commission shall have been provided, the bridge shall thereafter be maintained and operated free of tolls, and the commission, its successors and assigns shall thereupon convey by proper instrument of conveyance all right, title, and interest in said bridge and its approaches to the State of West Virginia and the State of Ohio jointly upon the agreement of such States to accept and to maintain and operate such bridge as a free bridge.

SEC. 8. For the purpose of carrying into effect the objects stated in this act, there is hereby created the Sistersville Bridge Commission, and by that name, style, and title said body shall have perpetual succession and the right to contract, sue, and defend in courts of law and equity, possess a common seal, hold title to real estate and other properties, and shall have and possess all powers necessary, convenient, or proper for carrying into effect the objects stated in this act.

SEC. 9. The commission shall consist of one person named by the governing bodies of each of the following governmental units,

to wit: Tyler County, W.Va.; city of Sistersville, W.Va.; Monroe County, Ohio. Any vacancy occurring in said commission shall be filed by the governmental unit that made the original appointment. The members of the commission shall serve without pay but shall be reimbursed out of any funds in its hands for necessary expenses incurred in the conduct of its business. The commission may employ a secretary, treasurer, engineers, attorney, and such other experts, assistants, and employees as it may deem necessary, and fix the compensation of such person.

SEC. 10. Nothing herein contained shall be construed to authorize the commission, or any member thereof, to create any obligation or incur any liability other than such obligations and liabilities as are dischargeable solely from funds becoming available under the provisions of this act.

SEC. 11. The right to alter, amend, or repeal this act is hereby expressly reserved.

ZINSSER & CO.

The bill (S. 1214) for the relief of Zinsser & Co. was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to adjust upon a fair and equitable basis or to cancel any agreement, express or implied, that has been entered into in good faith by any officer acting under his authority, direction, or instruction with Zinsser & Co., Inc., Hastings-on-Hudson, N.Y., for the sale of War Department buildings, underground piping, and concrete foundations, together with all fixtures considered part of the building and located upon ground owned by the said company.

RECONSTRUCTION FINANCE CORPORATION

The bill (S. 3085) relating to the operations of the Reconstruction Finance Corporation, and for other purposes, was announced as next in order.

Mr. CLARK. Let that go over.

Mr. FLETCHER. Mr. President, may I ask the Senator from Missouri to consider the report on this bill? It has been strongly recommended by the Reconstruction Finance Corporation, and approved unanimously by the Committee on Banking and Currency. There is no controversy about it, and no objection to it that I have ever heard. It is very important that the bill pass and go over to the House. The explanation is made in the report, from which I will read very briefly:

Other leading industrial nations, almost without exception, have provided aid to their exporters by furnishing middle- and long-term credits, by establishing limited credit-insurance facilities, or by actually assuming a portion of the risk involved. The lack of similar governmental assistance in this country is said to have greatly reduced the volume of American industrial exports competing for markets with the goods of other nations.

The proposed amendment would enable the Corporation to establish or utilize corporations and other agencies wholly owned by the United States, which would cooperate with American manufacturers to enable them to compete upon a fair basis with foreign manufacturers, and which might even be able, in some cases, to effect actual exchanges of goods for goods.

Mr. ROBINSON of Arkansas. Mr. President, I desire to call the attention of the Senator from Florida to the fact that he apparently is speaking in reference to the next order of business on the calendar. The bill which has just been reached is Senate bill 3085, order of business 560.

Mr. FLETCHER. I find that is a fact; but I would say the same thing with reference to the bill to which the Senator refers. The Reconstruction Finance Corporation, as will be seen by the report on the bill, has made a strong recommendation that the amendments proposed be made to the Reconstruction Finance Corporation Act. It is very important that they should be made, and should be made now.

Some proposed amendments were sent to me after the bill was reported, which are merely formal and corrective, and I will offer those amendments, but it will take but a moment to act on them. There is very little involved in the bill other than procedure. For instance, it is designed to relieve the Reconstruction Finance Corporation from giving bond in appeal cases, where they take appeals, and to make their seal and their records evidence in court.

Mr. ROBINSON of Arkansas. It authorizes the use of authenticated copies of the record in evidence.

Mr. FLETCHER. Exactly. I should like to have the bill acted on.

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

Mr. FLETCHER. I yield.

Mr. CLARK. I find from a hasty reading of the bill that it involves a number of amendments to the present Reconstruction Finance Corporation Act which have to do more with procedure before Federal courts than anything else, a subject within the jurisdiction of the Committee on the Judiciary, rather than a matter which actively concerns the Reconstruction Finance Corporation. For instance, I find in the letter of Chairman Jones a statement that the bill "provides a simple method for giving Federal courts jurisdiction of suits under $3,000 brought by corporations wholly owned by the United States, which jurisdiction is now obtained by cumbersome method of joining the United States." I should like to know what business it is of the Reconstruction Finance Corporation to be recommending changes in judicial procedure in courts of the United States?

Mr. FLETCHER. Mr. President, that is a practical question which they have to confront from time to time. They have suggested a number of amendments. For instance, they desire to have the privilege of having copies of books, papers, records, or other documents made evidence. That is a matter they encounter whenever they have any litigation, and I think it is proper that there should be an amendment of the act in that regard. It is a situation which the Reconstruction Finance Corporation is constantly meeting, and the necessity for the amendment is shown by Chairman Jones' letter, to which the Senator has referred.

I do not think it is necessary to refer a question of this kind to some other committee, for instance, the advisability of an amendment making their records evidence in court, having their seal attested, and all that sort of thing. Why should the Committee on Banking and Currency not handle it?

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

Mr. FLETCHER. I yield.

Mr. BLACK. The Senator from Missouri has raised a question in which I am very much interested, because I have an amendment now before the Committee on Banking and Currency designed to repeal a portion of the act with reference to the Federal Reserve banks, which has extended to the Federal courts jurisdiction over cases involving less than $3,000. It has worked out in this way, and I desire to call the Senator's attention to it, because if this would further extend the jurisdiction, I would not favor the passage of the bill.

Under the bill which we passed last year, if a Federal Reserve bank happens, as it has in a number of instances, to have as collateral security a note for $50 of a farmer in some section of this country, the Federal courts are given jurisdiction of such cases. The result is that men are frequently compelled to go 50 to 100 miles to employ a lawyer in a distant city. Is it understood that this measure would still further extend the jurisdiction of Federal courts in cases where collateral security is held by Government agencies? That is what I understand to be the effect of the bill.

Mr. FLETCHER. I do not so understand it. It seeks to provide a simple method for giving Federal courts jurisdiction of suits involving under $3,000 brought by corporations wholly owned by the United States.

Mr. BLACK. But that is exactly the point; I disagree with the Reconstruction Finance Corporation if they are seeking that jurisdiction. It is my judgment that it is fairer to the citizens of this country to have suits against them filed in courts close to them, rather than to extend the jurisdiction to cases involving less than $3,000 where a Government corporation happens to have as collateral security a note on which it desires to file suit. I think that is wholly unfair to the smaller individual whose note happens, without his knowledge, to be placed as collateral security with the governmental agency.

Mr. FESS. Let the bill go over.

Mr. BLACK. I should prefer to have the bill go over, if that provision is in the bill, unless it is to be stricken out.

The VICE PRESIDENT. On objection, the bill will be passed over.

FINANCING OF EXPORTS AND IMPORTS

The bill (S. 3138) authorizing the Reconstruction Finance Corporation to aid in financing exports and imports was announced as next in order.

Mr. FESS. Let that go over.

Mr. FLETCHER. Mr. President, that is the bill about which I just spoke. It has to do with providing means for handling exports and imports. I know of no objection in the world to it. It would help our manufacturers and would help other people who want to do an export business. The Corporation can deal only with United States corporations, and with nothing else, under the bill. We have set up an export corporation, and this would enable them to get their finances so arranged that they could do business. I hope the Senator will let the bill pass. It is reported unanimously by the committee.

Mr. FESS. Let it go over.

The VICE PRESIDENT. The bill will be passed over.

BILL PASSED OVER

The bill (S. 1884) to prevent the use of Federal official patronage in elections and to prohibit Federal officeholders from misuse of positions of public trust for private and partisan ends was announced as next in order.

Mr. McKELLAR. Let that go over for the present.

The VICE PRESIDENT. The bill will be passed over.

FEDERAL CREDIT UNION SYSTEM

The bill (S. 1639) to establish a Federal Credit Union System, to establish a further market for securities of the United States, and to make more available to people of small means credit for provident purposes through a national system of cooperative credit, thereby helping to stabilize the credit structure of the United States, was announced as next in order.

Mr. ADAMS. Let that go over.

Mr. SHEPPARD. Will not the Senator withhold his objection for a moment in order to permit me to make an explanation of the bill?

Mr. ADAMS. Certainly.

Mr. SHEPPARD. As indicated in the title to the bill, it seeks to make available to people of small means credit for provident purposes through a national system of cooperative credit. The bill does not eliminate State credit unions. It provides for a Federal system which will go along with and parallel the State unions.

I assume that no question will be raised as to the general merit of credit unions, their extraordinary record during the depression, and the value of rapid credit-union extension.

Credit unions are organizations of working people which enable members of a given group to save money, generally in very small individual amounts, thereby gradually collecting their own capital, which is loaned to members of the individual group for provident purposes at normal interest rates. These credit unions, nationally extended, will close the great gap in the credit structure, a gap which leaves men and women of small means, when in need of legitimate credit, largely at the mercy of usurious money lenders.

This is a great national problem which knows no State lines. So great have been the abuses of the loan sharks that over 20 States have attempted to curb this evil by laws which permit the licensed private money lender to charge 3½ percent a month—42 percent per annum—on small loans, on the theory that the alternative to a legal high rate is an illegal rate which is tremendously higher.

This small-loan business at usurious rates totals more than $2,000,000,000 annually, destroying the normal cash buying power of the masses of the people to an appalling extent.

It is the purpose of the credit union to establish credit facilities for proper purposes at normal rates for men and women who otherwise must have recourse, in time of need, to the usurer; and this is a national problem. The credit unions have proved their capacity to solve the problem.

Credit unions originated in Germany 80 years ago. Massachusetts enacted the first State credit-union law a quarter of a century ago, and there are now such laws in 38 States. In 1932 Congress enacted such a law, in terms very similar to this bill, for the District of Columbia. Unions operate in the States under the same supervision as State banks, and in the District of Columbia subject to annual examination by the Comptroller of the Currency.

Composed of working people, intensely stricken by the depression, the credit unions have come through with no involuntary liquidations, establishing in the process a very extraordinary record. There are 2,350 credit unions in this country at present, with 450,000 members, earnestly desirous of this legislation, in order that credit unions may extend on a national scale more rapidly now that the national need has been so clearly established.

The bill involves no Government loans, no subsidy, no appropriations of money. Credit unions pay their own way. In fact, some revenue will be brought to the Government through permit fees.

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

Mr. SHEPPARD. I yield.

Mr. WALSH. Is the bill modeled after the Massachusetts law?

Mr. SHEPPARD. It is.

Mr. WALSH. I desire to say to the Senator that the Massachusetts law has been highly successful; that the credit unions have been of great benefit to the poorer and working classes of people of my State.

Mr. SHEPPARD. I am glad to have that statement.

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

Mr. SHEPPARD. I yield.

Mr. McKELLAR. Will it cost the Government anything; and if so, in what way?

Mr. SHEPPARD. It is my judgment that the supervision required can be taken care of by existing Federal supervisory personnel. This measure will bring revenue to the Government through permit fees.

Mr. McKELLAR. Does it require an appropriation of any kind?

Mr. SHEPPARD. No; it does not.

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

Mr. SHEPPARD. I yield.

Mr. BARKLEY. As the Senator from Texas knows, this bill came from the Committee on Banking and Currency, and we have made quite an investigation of the subject. There are many of these credit unions in the State of Kentucky, which State I have the honor in part to represent. Undoubtedly the credit unions have been the means by which small groups of people and even larger groups of people within an industry or within an establishment have been able to establish their own credit facilities——

Mr. SHEPPARD. That is correct.

Mr. BARKLEY. Without being subject to the outrageous rates of loan sharks and others who prey upon people of that class. They are a sort of a happy medium between the loan shark and the bank, which cannot extend credit to many of these people, because they do not have the required security.

Mr. SHEPPARD. And because the loans are quite small as a rule.

Mr. BARKLEY. Yes. I certainly hope that the Senator from Colorado [Mr. ADAMS] will not insist upon his objection to the present consideration and passage of this bill, because I think it is very meritorious.

The PRESIDING OFFICER (Mr. CLARK in the chair). Is there objection to the present consideration of the bill?

Mr. ADAMS. Mr. President, it seems to me that the statement which has been made by the Senator from Texas, supplemented by the statements of the Senators from Massachusetts and Kentucky, indicate that the bill is of very great importance. My objection is not because I am in opposition to the bill but because I think it deserves more consideration than can be accorded to it on a call of the calendar under the unanimous-consent rule.

I happened to be on the subcommittee which reported favorably upon the bill, but further consideration led me to the conclusion that it was entitled to some study by the Senate, particularly upon the question as to whether or not the United States Government wanted to embark upon a program of incorporation of credit unions, which are now subject to very exemplary State legislation, which would in large extent be superseded by Federal legislation. The bill further includes provisions by which credit unions may have access to the Federal Reserve System. I think before that bill is passed it ought to be studied somewhat further, and I, therefore, continue my objection.

Mr. SHEPPARD. Mr. President, in order that a complete explanation may be found in the RECORD, will the Senator from Colorado permit me to complete my remarks, which will take only a few minutes?

Mr. ADAMS. Yes.

Mr. SHEPPARD. Credit unions pay their own way. The bill simply recognizes the value of the credit-union plan and clears the way for a truly national development. I have never heard the value of the credit union questioned.

If there be an issue against this bill, it has to do with the need for Federal legislation. Banking has long been considered a matter of national as well as of State concern, and the enactment of this bill will in no wise affect credit unions operating under State laws; its operating practice follows the State laws closely. It does recognize that this matter of stopping wastes of mass buying power is of national concern, and it seeks to make possible credit-union development nationally at a time of great national need. Its enactment will make it possible for working people to organize credit unions in States which have no credit-union laws, and there are 10 of these. It will also simplify organization in States where existing State credit-union laws are oppressive or have become so hopelessly defective as to be practically inoperative. The second part of the bill will allow credit unions in the same State to have a central depository, of great value in times of industrial depression and at all times a means of keeping all credit-union funds operating effectively for the purpose of caring for short-term loans.

Eventually State central credit unions should be permitted to maintain a national central credit union—which could be accomplished only under a Federal law—enabling funds to be transferred from one section to another as the need develops, making possible a maximum national small-loan service.

In the United States there are both rural and urban credit unions, and much of the present development calls for a national program. In industrial groups, nationally distributed, for example, credit unions are being organized on a national scale, which development must stop at State lines where there either is no State law or where State laws are oppressive or inoperative. This bill is simply a permissive bill, giving the right to groups wherever located to ask for the privilege to organize credit unions under proper Federal supervision. It comes at a time when we are all concerned with national rehabilitation and when we are doing many things to hasten national recovery. It seeks to eliminate usurious money lending in the only way it can be done, namely, by enabling the average man to combine with his fellows to the end that, working together, they may solve their own short-term credit problems at normal rates. The worker who is spending a substantial part of his earnings on interest overcharges cannot spend that amount for the things he needs to buy. On the increased purchasing power of the masses of the people recovery mainly depends.

We seek here to solve a great national problem in the only way it can be solved—by making available to people of small means credit for provident purposes through a national system of cooperative credit.

Mr. President, I ask permission to have printed in the RECORD as a part of my remarks a statement by Mr. Roy F. Bergengren, entitled "Credit for All the People", which appeared in the current issue of the magazine Today.

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

The statement referred to is as follows:

[From Today of Apr. 21, 1934]

"CREDIT FOR ALL THE PEOPLE"—A PLEA FOR THE CREDIT UNION AS AN AID IN SOLVING THE PROBLEM OF CONSUMER CREDIT, WHICH NOW IS A MAJOR OBSTACLE TO RECOVERY

By Roy F. Bergengren

The consumer credit problem, unsolved, is a fundamental obstacle to industrial recovery. Cooperative credit will solve it.

To these two conclusions of fact we can add a third, that if a worker destroys his week's pay, he can buy nothing with it; if millions of other workers do the same, the result is industrial stagnation. By the same token, any circumstance which results in the destruction of any part of the worker's dollar, in that proportion, contributes to economic paralysis.

A great percentage (it has been authoritatively put at 80 percent) of everything that is manufactured or produced from the soil is bought, in normal times, by men and women who earn $35 a week and less. Obviously, the buying power of the worker's dollar is a primary consideration in any plan of recovery.

In the ideal state, we would be able to buy what we need in order to live comfortably and progressively and happily—and pay cash for it. We have not achieved that ideal state and, meantime, credit is essential. If the worker pays too much for credit, by the degree of overpayment he impairs his cash purchasing power and his ability to contribute to recovery.

The credit side of banking has never reached the masses of the people. Regardless of his fair credit limitations, the average man is urged to buy on credit, even though he mortgages his future earnings and often pays usurious installment charges. Our economic life has been built too much on the principle that "unto everyone that hath shall be given * * * but from him that hath not shall be taken away even that which he hath."

Four actual cases will illustrate this.

The first involved a railroad employee who borrowed $30 from a loan shark, paid in interest $1,080, and was then sued for the $30. He paid 3,600 percent.

The second incident involved a man whose affairs were tangled; with a $40-a-week job he was always getting caught up. He was surprised to find that he had undertaken to buy, on the installment plan, things calling for total weekly payments of $52.

The third had to do with a fireman who, 14 months ago, bought furniture which he could have had for $250 cash; his receipts showed he paid $325, and he still owed $300.

Finally, one of a group of farmers questioned the assertion that many of them were paying 42 percent for short-term credit. The meeting adjourned to the county recorder's office across the street and found that, of the group of 186 farmers, 82 had mortgaged all their movables for loans at 3½ percent a month.

How extensive is this consumer credit problem? In the Internal Debts of the United States it is declared that at the beginning of 1933 there were approximately $14,400,000,000 of personal and household short-term loans outstanding against American families (an increase of $500,000,000 in a single year) with an annual interest charge of $609,700,000.

Obviously, we must first reduce interest charges; obviously, our eventual objective must be to get out of debt. Cooperative credit will accomplish both objectives. It takes the private-profit motive out of the transaction.

That is why over 2,300 credit unions ("credit union" being the name given to cooperative credit societies in America) are already in existence in the United States, with a membership of more than 450,000 persons and resources of more than $65,000,000. They are growing at the rate of more than three every business day. They make, too, a saver out of the borrower, lifting him first out of the hole of debt he is in and then filling up the hole.

In 1909 Massachusetts enacted the first State credit-union law in the United States. It worked so well that, a few years later, President Taft called its value to the attention of the other Governors. Since then, 37 other States have enacted similar laws, and in 1932 Congress enacted such a law for the District of Columbia. A bill is pending before Congress which would authorize credit-union organization anywhere in the United States.

There are 95 credit unions among employees of Armour & Co. in 38 States. Of an average age of 18 months (and with no operating experience in average times) they have loaned approximately $2,000,000 with practically no losses.

There are 322 credit unions of postal employees, with over 70,000 members, savings of nearly $7,000,000, and an annual small-loan business of better than $10,000,000.

Credit unions have been organized recently within the Farm Credit Administration, the Tennessee Valley Authority, and the Department of Agriculture.

During its 17 years of operation the Municipal Credit Union of the City of New York (composed of city employees) has loaned $19,112,104 to 83,690 borrowers.

Seventeen thousand employees of the New England Telephone & Telegraph Co. are members of eight credit unions, in which they have saved more than $2,000,000, and have loaned, without appreciable losses, $18,500,000.

The Indiana Farm Bureau Federation has established 32 credit unions.

There are 32 credit unions among employees of the Chicago, Rock Island & Pacific Railroad.

The Alma Exchange Credit Union took the place of a small rural bank at Alma, Ga. After 3 years it has resources of $50,000, and is performing cooperatively every primary function of a community bank.

POOLING COMMON RESOURCES

It is a very simple business in which the credit union is engaged, and one which its directors understand—that of pooling common resources, managing the pool, and investing the results in the men and women who accumulated the pool in the first place. It introduces three new banking theories:

(1) Ordinary folks can develop the capacity to manage their own money.

(2) It puts money to work for the benefit of the people to whom it belongs.

(3) The purpose of the loan is the important thing.

Credit unions make loans only for provident purposes; that is the law. The loan must promise a real benefit to the borrower. They appreciate that if a loan performs a real service, the borrower is apt to make sacrifices to pay it back.

To the farmer, his credit union loans money for seed and fertilizer and stock and farm machinery and a thousand and one other purposes incidental to farming. To the city worker, it loans money to help him with his taxes or to pay the hospital or the college tuition or to enter a business. To both farmer and city worker the credit union brings the doctrine of cash buying, and it seeks in most practical fashion to make the installment buyer not only a cash buyer but also an intelligent buyer.

If the proof of the pudding lies in the eating of it, credit unions operate under the same rules as banks in 38 States—and they came through the depression practically without runs or failures. Eligible to relief from the Reconstruction Finance Corporation, only a half dozen of them have needed it.

There is no limit to their proper growth. They are to the banking business what the low-priced car is to the automotive industry. They are predicated on the supposition that the brotherhood of man is a good business principle.

BILL PASSED OVER

The bill (S. 2816) to extend the time for the refunding of certain taxes erroneously collected from certain building-and-loan associations was announced as next in order.

Mr. McKELLAR. Mr. President, will the Senator from Kentucky explain this bill?

Mr. LOGAN. Mr. President, under the revenue acts from 1918 to 1926 there were provisions for certain taxes, including those on building-and-loan associations. The building-and-loan associations paid these taxes for some years. The Supreme Court thereafter held the law unconstitutional, and there have been refunds from time to time. This bill simply provides that the building-and-loan associations may file their claims with the Commissioner of Internal Revenue, and that he may adjudicate them without the necessity of introducing separate bills. There are some 8 or 10 States involved and some 30 building-and-loan associations, and the amount, I understand, will probably not exceed $80,000.

Mr. McKELLAR. There is an adverse report from the Treasury Department, is there not?

Mr. LOGAN. I understand the Treasury makes an adverse report. It always does when we try to get money out of it.

Mr. McKELLAR. Will the Senator from Kentucky let the bill go over for today?

Mr. LOGAN. Of course, I am not personally interested in this matter at all. The building-and-loan associations, however, have paid in their money. The United States Government has held the money, which the Supreme Court says it has no right to hold, and therefore the Committee on Claims reported the bill favorably.

Mr. McKELLAR. Let it go over for today.

The PRESIDING OFFICER. The bill will be passed over.

SITE FOR A LIGHTHOUSE DEPOT AT NEW ORLEANS, LA.

The Senate proceeded to consider the bill (S. 2834) authorizing the Secretary of Commerce to acquire a site for a lighthouse depot at New Orleans, La., and for other purposes, which had been reported from the Committee on Commerce with amendments.

Mr. OVERTON. Mr. President, I ask unanimous consent that House bill 7488 be substituted for Senate bill 2834, and that the Senate consider the House bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana [Mr. OVERTON]?

Mr. JOHNSON. Are the House bill and the Senate bill exactly alike?

Mr. OVERTON. Yes, Mr. President.

Mr. JOHNSON. And are the amendments to the Senate bill also incorporated in the House bill, so as to eliminate from the House bill the same language that is eliminated from the Senate bill?

Mr. OVERTON. The House bill is identical with the Senate bill, as reported by the committee, with the amendments which the committee believes will remove the objections that have been made.

Mr. JOHNSON. Is the amendment directing how the money shall be allotted eliminated from the House bill?

Mr. OVERTON. Yes.

The PRESIDING OFFICER. Is there objection to the present consideration of H.R. 7488 which the Senator from Louisiana has requested to substitute for the Senate bill? The Chair hears none.

There being no objection, the Senate proceeded to consider the bill (H.R. 7488) authorizing the Secretary of Commerce to acquire a site for a lighthouse depot at New Orleans, La., and for other purposes, which was ordered to a third reading, read the third time, and passed as follows:

Be it enacted, etc., That the Secretary of Commerce is hereby authorized to acquire, by purchase from the Board of Commissioners of the Port of New Orleans, New Orleans, La., a lease for not exceeding 99 years of a site on which is to be located the New Orleans Lighthouse Depot for a consideration of not exceeding $20,000 for the 99 years, payment thereof to be made upon approval of the lease by the Secretary of Commerce from funds allotted and made available for this project by proper authority. The site shall contain approximately 2.28 acres, description of which by metes and bounds shall be incorporated in the lease; and the Secretary of Commerce is authorized to erect upon such site such wharves, docks, and other structures as he may determine to be feasible and suitable for the purposes of the lighthouse depot, and to make payment therefor from funds allotted and made available for this project by proper authority.

The PRESIDING OFFICER. Without objection, Senate bill 2834 will be indefinitely postponed.

BILL PASSED OVER

The bill (S. 3170) to revise the air-mail laws was announced as next in order.

Mr. McKELLAR. Over.

The PRESIDING OFFICER. Being the unfinished business, the bill will be passed over.

CIRCULATION OF READING MATTER AMONG THE BLIND

The Senate proceeded to consider the bill (S. 2922) to amend the act entitled "An act to promote the circulation of reading matter among the blind", approved April 27, 1904, and acts supplemental thereto.

Mr. McKELLAR. Mr. President, I desire to offer an amendment to that bill.

The PRESIDING OFFICER. The Senator from Tennessee offers an amendment, which will be stated.

Mr. McKELLAR. On page 2, line 11, I move to strike out, after the word "libraries", the words "or when sent by a printing press for the blind to a public institution for the blind or a public library."

The department requested that that amendment be made, and I think it should be made probably in the interest of fairness.

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

The amendment was agreed to.

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

Be it enacted, etc., That the act entitled "An act to promote the circulation of reading matter among the blind", approved April 27, 1904 (33 Stat. 313), the supplemental provision in section 1 of the Post Office Appropriation Act for 1913, approved August 24, 1912 (37 Stat. 551), and the joint resolution entitled "Joint resolution to provide for the free transmission through the mails of certain publications for the blind", approved June 7, 1924 (43 Stat. 668; U.S.C., title 39, ch. 8, sec. 331), be, and the same are hereby, amended to read as follows:

"Books, pamphlets, and other reading matter published either in raised characters, whether prepared by hand or printed, or in the form of sound-reproduction records for the use of the blind, in packages not exceeding 12 pounds in weight, and containing no advertising or other matter whatever, unsealed, and when sent by public institutions for the blind, or by any public libraries, as a loan to blind readers, or when returned by the latter to such institutions or public libraries, magazines, periodicals, and other regularly issued publications in such raised characters, whether

prepared by hand or printed, or on sound-reproduction records (for the use of the blind), which contain no advertisements and for which no subscription fee is charged, shall be transmitted in the United States mails free of postage and under such regulations as the Postmaster General may prescribe.

"Volumes of the Holy Scriptures, or any part thereof, published either in raised characters, whether prepared by hand or printed, or in the form of sound-reproduction records for the use of the blind, which do not contain advertisements (a) when furnished by an organization, institution, or association not conducted for private profit, to a blind person without charge, shall be transmitted in the United States mails free of postage; (b) when furnished by an organization, institution, or association not conducted for private profit to a blind person at a price not greater than the cost price thereof, shall be transmitted in the United States mails at the postage rate of 1 cent for each pound or fraction thereof; under such regulations as the Postmaster General may prescribe.

"All letters written in point print or raised characters or on sound-reproduction records used by the blind, when unsealed, shall be transmitted through the mails as third-class matter."

OHIO RIVER BRIDGE, WHEELING, W.VA.

The bill (S.3099) authorizing the city of Wheeling, a municipal corporation, to construct, maintain, and operate a bridge across the Ohio River at Wheeling, W.Va., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the postal service, and to provide for military and other purposes, the city of Wheeling, a municipal corporation of West Virginia, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation in Wheeling, W.Va., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The said municipality of Wheeling may charge toll for the use of said bridge, which rates of toll may be so adjusted as to provide a fund sufficient to pay (a) the reasonable cost of maintenance, repair, and operation of the said bridge and its approaches; and (b) the amortization within a reasonable time and not exceeding 25 years from the date that the bridge is opened to traffic, and under reasonable condition of any loan or loans, including reasonable interest, taxes, and financing charges made, or to be made in connection with the construction of said bridge and its approaches.

SEC. 3. An accurate record of the cost of the bridge and its approaches and of all expenditures for maintaining, repairing, and operating the same, and of the tolls collected from time to time shall be kept and shall at all reasonable times be available for the information of all persons interested in the construction, operation, and maintenance thereof.

SEC. 4. The right to sell, assign, transfer, mortgage, or pledge any or all of the rights, powers, and privileges conferred by this act is hereby granted to the said city of Wheeling, or any corporation to which, or any person to whom, such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same through mortgage, pledge, foreclosure, or otherwise, including therein the United States of America acting by or through the President, the Federal Emergency Administrator of Public Works, such other agency or agencies as may be designated or created for such purpose pursuant to the National Industrial Recovery Act or any other amendment or supplement thereto, or any other agency or agencies as may be created for such purpose by the Congress of the United States, and such person or corporation is hereby authorized and empowered to exercise all of the rights, powers, and privileges conferred upon the city of Wheeling as fully as though conferred herein directly upon such corporation or person.

SEC. 5. Whenever a sum sufficient to amortize and pay off the amount of money used in building and constructing said bridge shall have been collected, the city of Wheeling shall declare said bridge free and open to the use of the general public without the imposition of any further tolls or charges for the use of said bridge.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

EXTENSION OF TIME FOR CONSTRUCTION OF BRIDGES IN OREGON

The bill (S. 3114) to extend the time for commencing the construction of certain bridges in the State of Oregon was considered, ordered to be engrossed for a third reading, read the third time and passed, as follows:

Be it enacted, etc., That the times for commencing the construction of the following bridges, authorized to be built by the State of Oregon, are hereby extended to October 1, 1934: (1) Across the Umpqua River, at or near Reedsport, Oreg., authorized by act of Congress approved June 13, 1933; (2) across Yaquina Bay, at or near Newport, Oreg., authorized by act of Congress approved June 13, 1933; (3) across Coos Bay, at or near North Bend, Oreg., authorized by act of Congress approved June 13, 1933; (4) across the Siuslaw River, at or near Florence, Oreg., authorized by act of Congress approved June 13, 1933; and (5) across Alsea Bay, at or near Waldport, Oreg., authorized by act of Congress approved June 15, 1933.

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

WILBUR ROGERS

The bill (H.R. 4423) for the relief of Wilbur Rogers was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon retired officers of the United States Army, Wilbur Rogers, major, United States Army, shall be held and considered, notwithstanding any other provision of law, to have been classified in class A and to have been retired under section 1251 of the Revised Statutes for incapacity which was a result of an accident of service: *Provided*, That no bounty, back pay, pension, allowance, or any payment provided under the World War Veterans' Act, 1924, as amended, the World War Adjusted Compensation Act, 1924, as amended, or other benefit whatsoever to which said person may be or become entitled by law, shall be held to have accrued prior to the passage of this act.

ROBERT EMIL TAYLOR

The bill (S. 1725) for the relief of Robert Emil Taylor was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the adjudication of the claims of Robert Emil Taylor (C-267750), late private, Thirty-second Company, One Hundred and Sixty-sixth D. B., for disability allowance benefits under the World War Veterans' Act, as amended, and for adjusted compensation under the World War Adjusted Compensation Act, as amended, the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to include as active military service during the World War the service of the said Robert Emil Taylor from August 28, 1918, to the date of his discharge July 19, 1919, notwithstanding the industrial furlough on which he was ordered from November 16, 1918, to July 17, 1919.

BILLS PASSED OVER

The bill (S. 2334) authorizing the city of Atchison, Kans., and the county of Buchanan, Mo., or either of them, or the States of Kansas and Missouri, or either of them, or the highway departments of such States, acting jointly or severally, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Atchison, Kans., was announced as next in order.

Mr. BULKLEY. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H.R. 7748) regulating procedure in criminal cases in the courts of the United States was announced as next in order.

Mr. McCARRAN. Over.

The PRESIDING OFFICER. The bill will be passed over.

CRIME PREVENTION BILL

Mr. ROBINSON of Arkansas subsequently said: Mr. President, I ask unanimous consent to recur to Calendar 618, being the bill (H.R. 7748) regulating procedure in criminal cases in the courts of the United States. The bill, which is one of the so-called "crime-prevention bills", was unanimously reported by the Judiciary Committee. It is intended to prevent dilatory action in cases in the Federal courts. I understand that the Senator from Nevada [Mr. McCARRAN] has considered the measure and no longer objects.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent to return to Calendar No. 618. Is there objection?

There being no objection, the bill (H.R. 7748) regulating procedure in criminal cases in the courts of the United States was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That no plea to abate nor motion to quash any indictment upon the ground of irregularity in the drawing or impaneling of the grand jury or upon the ground of disqualification of a grand juror shall be sustained or granted unless such plea or motion shall have been filed before, or within 10 days after, the defendant filing such plea or motion is presented for arraignment; and from the time such plea or motion is filed and until the termination of the first term of said court beginning subsequent to the final judgment on such plea or motion and during which a grand jury thereof shall be in session, no statute of limitations shall operate to bar another indictment of any defendant filing such plea or motion, or of any other defendant or defendants included in the indictment to which such plea or motion is directed, for the offense or offenses therein charged.

SEC. 2. No plea to abate nor motion to quash any indictment, upon the ground that one or more unqualified persons served upon the grand jury finding such indictment, shall be sustained if it appears that 12 or more jurors, after deducting the number so disqualified, concurred in the finding of said indictment: *Provided, however,* That no juror shall be permitted to testify, in this connection, as to whether he or any other individual juror voted for or against the finding of such indictment, but it shall be the duty of the foreman of each grand jury to keep a record of the number of grand jurors concurring in the finding of any indictment and to file such record with the clerk of the court at the time the indictment is returned. Such record shall not be made public except on order of the court.

SEC. 3. That this act shall be applicable to the district courts of the United States, including the district courts of Alaska, Hawaii, Puerto Rico, and the Virgin Islands, and to the Supreme Court of the District of Columbia.

ARTHUR R. LEWIS

The bill (S. 1992) for the relief of Arthur R. Lewis was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army, Arthur R. Lewis shall be held and considered to have been honorably discharged as a private, Second Company (Mobile), Coast Artillery Corps, January 13, 1924: *Provided,* That no compensation, retirement pay, back pay, pension, or other benefit shall be held to have accrued by reason of this act prior to its passage.

GENERAL PULASKI'S MEMORIAL DAY

The Senate proceeded to consider the joint resolution (S.J.Res. 36) directing the President of the United States of America to proclaim October 11 of each year General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski, which had been reported from the Committee on the Judiciary, with amendments, on page 2, line 3, after the word "authorized", to strike out "and directed", and in line 6, after the numerals "11", to strike out "1932" and insert "1934", so as to make the joint resolution read:

Whereas the 11th day of October 1779 is the date in American history of the heroic death of Brig. Gen. Casimir Pulaski, who died from wounds received on October 9, 1779, at the siege of Savannah, Ga.; and

Whereas the States of West Virginia, New Jersey, Massachusetts, Kentucky, Illinois, Michigan, Tennessee, Indiana, Wisconsin, New York, Nebraska, Texas, Minnesota, Delaware, Maryland, Arkansas, New Hampshire, Pennsylvania, Missouri, Ohio, and other States of the Union, through legislative enactment designated October 11 of each year as General Pulaski's Memorial Day; and

Whereas the Congress of the United States of America has by legislative enactment designated October 11, 1929, and October 11, 1931, to be General Pulaski's Memorial Day; and

Whereas it is fitting that the recurring anniversary of this day be commemorated with suitable patriotic and public exercises in observing and commemorating the death of this great American hero of the Revolutionary War: Therefore be it

Resolved, etc., That the President of the United States is authorized to issue a proclamation calling upon officials of the Government to display the flag of the United States on all governmental buildings on October 11, 1934, and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies of the death of Gen. Casimir Pulaski.

The amendments were agreed to.

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

The preamble was agreed to.

The title was amended so as to read: "Joint resolution authorizing the President of the United States of America to proclaim October 11, 1934, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski."

EXPENDITURES OF THE SPECIAL COMMITTEE ON CONSERVATION OF WILD-LIFE RESOURCES

The Senate proceeded to consider the resolution (S.Res. 201) increasing the limit of expenditures by the Special Committee on Conservation of Wild Life Resources, which had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate, with an amendment, in line 4, after the word "purposes", to strike out "$15,000" and insert "$5,000", so as to make the resolution read:

Resolved, That the special committee authorized and directed by S.Res. 246 on April 17, 1930, to investigate the conservation of wild animal life, hereby is authorized to expend in furtherance of such purposes $5,000 in addition to the amounts heretofore authorizezd.

The amendment was agreed to.

The resolution, as amended, was agreed to.

AMENDMENT OF LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

The Senate proceeded to consider the bill (S. 2794) to amend the Longshoremen's and Harbor Workers' Compensation Act with respect to rates of compensation, and for other purposes, which had been reported from the Committee on the Judiciary, with amendments, on page 3, section 4, line 22, after the word "commissioner", to insert "with the approval of the Commission", and on page 5, section 5, line 8, after the word "commissioner", to insert "with the approval of the Commission", so as to make the bill read:

Be it enacted, etc., That subdivision (a) of section 7 of the Longshoremen's and Harbor Workers' Compensation Act, as amended, is amended by adding at the end thereof the following new sentence: "If at any time during such period the employee unreasonably refuses to submit to medical or surgical treatment, the deputy commissioner may, by order, suspend the payment of further compensation during such time as such refusal continues, and no compensation shall be paid at any time during the period of such suspension, unless the circumstances justified the refusal."

SEC. 2. So much of subdivision (c) of section 8 of such act, as amended, as precedes paragraph (13) thereof is amended to read as follows:

"(c) Permanent partial disability: In case of disability partial in character but permanent in quality, the compensation shall be 66⅔ percent of the average weekly wages, which shall be in addition to compensation for temporary total disability paid in accordance with subdivision (b) of this section, and shall be paid to the employee, as follows:

"(1) Arm lost, 280 weeks' compensation.
"(2) Leg lost, 248 weeks' compensation.
"(3) Hand lost, 212 weeks' compensation.
"(4) Foot lost, 173 weeks' compensation.
"(5) Eye lost, 140 weeks' compensation.
"(6) Thumb lost, 51 weeks' compensation.
"(7) First finger lost, 28 weeks' compensation.
"(8) Great toe lost, 26 weeks' compensation.
"(9) Second finger lost, 18 weeks' compensation.
"(10) Third finger lost, 17 weeks' compensation.
"(11) Toe other than great toe lost, 8 weeks' compensation.
"(12) Fourth finger lost, 7 weeks' compensation."

SEC. 3. Paragraph (22) of subdivision (c) of section 8 of such act, as amended, is amended to read as follows:

"(22) In any case in which there shall be a loss of, or loss of use of, more than one member or parts of more than one member set forth in paragraphs (1) to (19) of this subdivision, not amounting to permanent total disability, the award of compensation shall be for the loss of, or loss of use of, each such member or part thereof, which awards shall run consecutively."

SEC. 4. Subdivision (j) of section 14 of such act, as amended, is amended to read as follows:

"(j) Whenever the deputy commissioner determines that it is in the interest of justice, the liability of the employer for compensation, or any part thereof as determined by the deputy commissioner with the approval of the Commission, may be discharged by the payment of a lump sum equal to the present value of future compensation payments commuted, computed at 4 percent true discount compounded annually. The probability of the death of the injured employee or other person entitled to compensation before the expiration of the period during which he is entitled to compensation shall be determined in accordance with the American Experience Table of Mortality, and the probability of the remarriage of the surviving wife shall be determined in accordance with the remarriage tables of the Dutch Royal Insurance Institution. The probablity of the happening of any other contingency affecting the amount or duration of the compensation shall be disregarded."

SEC. 5. Section 22 of such act, as amended, is amended to read as follows:

"MODIFICATION OF COMPENSATION CASES

"SEC. 22. Upon his own initiative, or upon the application of any party in interest, on the ground of a change in conditions or because of a mistake in a determination of fact by the deputy commissioner, the deputy commissioner may, at any time prior to 1 year after the date of the last payment of compensation, whether or not a compensation order has been issued, review a compensation case in accordance with the procedure prescribed in respect of claims in section 19, and in accordance with such section issue a new compensation order which may terminate, continue, reinstate, increase, or decrease such compensation. Such new order shall not affect any compensation previously paid, except that an award increasing the compensation rate may be made effective from the date of the injury, and if any part of the compensation due or to become due is unpaid, an award decreasing the compensation rate may be made effective from the date of the injury, and any payment made prior thereto in excess of

such decreased rate shall be deducted from any unpaid compensation, in such manner and by such method as may be determined by the deputy commissioner with the approval of the Commission."

The amendments were agreed to.

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

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent that the report of the Judiciary Committee accompanying the bill may be printed in the RECORD following the action of the Senate on the bill.

There being no objection, the report (No. 588) was ordered to be printed in the RECORD, as follows:

The Committee on the Judiciary, having had under consideration the bill (S. 2794) to amend the Longshoremen's and Harbor Workers' Compensation Act with respect to rates of compensation, and for other purposes, report the same favorably to the Senate and recommends that the bill do pass, with the following amendments:

On page 3, line 22, immediately after the word "commissioner", insert the words "with the approval of the Commission."

On page 5, line 8, immediately after the word "commissioner", insert the words "with the approval of the Commission."

The purpose and need of this legislation are set out in the following memorandum which was presented to the committee by Senator LA FOLLETTE, author of the bill:

The Longshoremen's and Harbor Workers' Compensation Act, approved March 4, 1927 (Public No. 803, 69th Cong.), went into effect July 1, 1927, and has been notably successful in operation. Some obscurities in the law as revealed by experience, however, now make desirable a few improving amendments.

S. 2794 embodies six amendments which, as a result of extended conferences, have been agreed upon by representatives of longshoremen's and maritime employers' organizations as fair and equitable. These amendments represent a series of compromises among the groups affected and do not appreciably affect the cost to employers. They are in line with recommendations made in recent annual reports to Congress by the United States Employees' Compensation Commission which administers the act.

FIRST AMENDMENT

Section 1 of S. 2794 adds a new sentence to section 7 (a) of the existing act. It authorizes a deputy commissioner to suspend payment of compensation if the injured employee unreasonably refuses to submit to medical and surgical treatment. The United States Employees' Compensation Commission in its seventeenth annual report (June 30, 1933, pp. 18–19) states:

"Deputy commissioners have found it difficult in a number of cases to make awards which properly protect the interest of the employer due to the failure of the employee to carry out the entirely proper instructions of the physician or surgeon treating his case, and in some cases due to the deliberate acts of the employee in removing bandages or doing other things which clearly increase the period of disability."

The proposed amendment is in line with the recommendations of the Commission.

SECOND AMENDMENT

Section 2 of S. 2794 amends subdivision (c) of section 8 of the existing act so as to provide that in case of permanent partial disability—for example, the loss of an arm—compensation shall first be paid during the "healing period" and that such payments shall be in addition to the compensation payable on account of the permanent partial disability as fixed in the schedule, paragraphs (1) to (12) of section 8 (c).

This amendment sets forth clearly the intentions of those who drafted the original act. Subsequent court interpretation has resulted in some confusion and unexpected injustice (*Texas Employers Ins. Assn.* v. *Sheppeard* (32 Fed. (2d) 300); *Texas Employers Ins. Assn.* v. *Sheppeard* (Eq. No. 375 in the U.S. District Court for the southern district of Texas, Houston division); *Baltimore & Philadelphia Steamboat Co. et al.* v. *Norton et al* (40 Fed. (2d) 530, 48 Fed. (2d) 57, and 284 U.S. 408); *Crescent Wharf & Warehouse Co.* v. *Pillsbury* (54 Fed. (2d) 1077). The United States Employees' Compensation Commission describes the result of these decisions in its latest annual report (pp. 16–17) as follows:

"Among other things it may be pointed out that under the interpretation placed upon section 8 (c) (22) an injured employee who suffers a prolonged period of temporary total disability followed by a permanent partial disability consisting of a small percentage of loss of use of a member in many cases could not be awarded as much compensation for his entire disability, both temporary total and permanent, as he would be clearly entitled to have awarded him for his temporary total disability alone if he had had no ensuing permanent partial disability."

The Commission recommends an amendment "to correct this situation and avoid the incongruous and harsh results of such interpretation as well as to assure compensation in all cases for the disability actually suffered." The amendment proposed in section 2 of S. 2794 is in line with this recommendation.

THIRD AMENDMENT

The second amendment above described would result in a definite increase in compensation cost to the employers under the act were it not for the third amendment, as follows: Section 2 of S. 2794 amends section 8 (c) of the act by reducing the number of scheduled weeks of compensation payable for permanent partial disabilities in paragraphs (1) to (12). In each instance the reduction proposed is equal to the number of weeks of compensation specified in the present healing-period clause, section 8 (c) (22), which is repealed by this bill. This amendment, taken together with the previous amendment, constitutes a compromise which corrects injustices without increasing the cost to the employer.

FOURTH AMENDMENT

Section 3 of S. 2794 substitutes for the existing paragraph (22) of section 8 (c)—which is in effect repealed by the second and third amendments above—a new subdivision which makes it possible, in cases where a worker loses more than one member listed in the schedule (for example, a finger and a thumb), to pay compensation on account of each member lost. Such separate, consecutive awards are not possible under the existing act. This amendment is identical with that recommended by the United States Employees' Compensation Commission in its latest annual report (p. 17).

FIFTH AMENDMENT

Section 4 of S. 2794 amends section 14 (j) of the act so as to authorize the deputy commissioner to make partial lump-sum settlements. At present, lump-sum settlements, when made, must be for the entire amount of the compensation due. The Commission in its seventeenth annual report (p. 17) states:

"Deputy commissioners who have had occasion to apply this section have expressed the opinion that in many cases partial lump-sum settlements would be for the best interests of a person entitled to compensation although there is not sufficient justification for commuting the entire amount due in one payment."

This amendment is in accordance with the recommendation of the Commission.

The amendment also provides that in computing the lump sum payable to a widow, the probability of her remarriage shall be taken into consideration. Computations are to be made upon the basis of the remarriage tables of the Dutch Royal Insurance Institution, as is provided in the New York compensation law and in accordance with practice generally, since these are widely recognized as the authoritative tables for this purpose.

SIXTH AMENDMENT

Section 5 of S. 2794 amends section 22 of the existing act so as to broaden the grounds on which a deputy commissioner can modify an award and also while strictly limiting the period, extends the time within which such modification may be made. The Commission in its seventeenth annual report (p. 18) states:

"Section 22 of the Longshoremen's Act provides for a reconsideration or review by him (a deputy commissioner) of his action with less authority to do justice to the parties than is contained in any provision for a similar purpose in any State compensation law. A review now authorized 'during the term of an award' is not sufficient in the interests of justice. In many cases the 'terms of the award' has ended when the compensation order is issued."

The amendment is in line with the recommendation of the Commission except that it limits to 1 year after the date of the last payment of compensation the time during which such modification may be made. The amendment also permits an increase or decrease in the compensation under a modifying award when changed conditions or a mistake in a determination of fact makes such modification desirable in order to render justice under the act, such modifying award to date from the time of the accident.

CHARLES B. ARRINGTON

The Senate proceeded to consider the bill (S. 790) for the relief of Charles B. Arrington, which had been reported from the Committee on Military Affairs with amendments, on page 1, line 10, after the name "November", to strike out "12" and to insert "22", and in the same line, after the figure "1918", to insert:

Provided, That no pay, pension, privilege, or other emolument shall accrue by virtue of this act prior to its passage or subsequent thereto.

So as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, sailors, marines, their widows and dependent relatives, Charles B. Arrington, formerly first lieutenant, Company D, Four Hundred and Fourth Telegraph Battalion, shall hereafter be held and considered to have been honorably discharged from the military service of the United States on November 22, 1918: *Provided*, That no pay, pension, privilege, or other emolument shall accrue by virtue of this act prior to its passage or subsequent thereto.

The amendments were agreed to.

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

ARTHORIZATION OF ACCEPTANCE OF MEDAL BY VERNON C. DEVOTIE

The Senate proceeded to consider the bill (S. 1794) to authorize Vernon C. DeVotie, captain, United States Army, to accept a certain decoration tendered to him by the Colombian Government, which was read, as follows:

Be it enacted, etc., That Vernon C. DeVotie, captain, United States Army, formerly assigned as military attaché to the legation

at Bogota, Colombia, is authorized to accept the decoration known as the "Cross of Boyaca", second-class, tendered him by the Colombian Government in recognition of his efforts, while serving as such attaché, to bring about a better understanding between the peoples of Colombia and the United States, and the Department of State is authorized to deliver such decoration to the said Vernon C. DeVotie.

Mr. McKELLAR. Mr. President, will the Senator from Colorado explain the bill?

Mr. ADAMS. Mr. President, this is a permissive bill, approved by the Committee on Military Affairs, to authorize the receipt of a decoration by a captain of the United States Army for services rendered in promoting good will and peace between Colombia and the United States.

Mr. McKELLAR. What did he do?

Mr. LOGAN. Mr. President, having made the report, I will say that we do not know what he did, except as set out in the communication from the Colombian Government. He was military attaché of our Government at its legation in Colombia. The Colombian Government actually gave him this medal, but under our law he cannot accept it; so he deposited it in the War Department until he could secure authority to accept it. The War Department has no objection to the bill, except it says we ought to wait until we get some more medals and distribute them all at once. The Military Affairs Committee, however, could see no reason for that. So we reported Captain DeVotie ought to be allowed to go down to the War Department and get his medal. That is all there is to the bill.

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

BRANCHES OF NATIONAL BANKS IN TERRITORIES OR POSSESSIONS

The bill (S. 3287) to authorize national banks situated in a Territory or possession of the United States to establish branches, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That any national banking association legally established and situated in a Territory or possession of the United States, may, with the approval of the Comptroller of the Currency, establish and operate new branches at any point in the Territory or possession within which such association is situated.

BENEFITS TO PROVISIONAL OFFICERS OF THE REGULAR ESTABLISHMENT

The Senate proceeded to consider the bill (S. 1595) extending the benefits of the Emergency Officers' Retirement Act of May 24, 1928, to provisional officers of the Regular Establishment who served during the World War, which had been reported from the Committee on Military Affairs with an amendment, at the end of the bill, on page 2, line 12, to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the benefits of the act of May 24, 1928, entitled "An act making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War", are hereby extended to those provisional officers of the Army, Navy, and Marine Corps of the United States who were appointed pursuant to the provisions of the act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes", approved June 3, 1916, and the act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States", approved May 18, 1917, and who served during the period from April 6, 1917, to July 2, 1921, and whose appointments were not made permanent, if application for such benefits is filed with the Veterans' Administration within 12 months after the passage of this act: *Provided*, That no back pay, compensation, benefit, or allowance conferred by this act shall be held to have accrued prior to the passage of this act.

Mr. McKELLAR. Mr. President, may we have an explanation of that bill? I should like to ask the Senator from Texas how many officers it includes?

Mr. SHEPPARD. It includes about 42.

Mr. McKELLAR. What will be the cost of the bill?

Mr. SHEPPARD. I do not have the exact figures, but the cost will not be large. I shall explain to the Senator the circumstances. The World War officers who would be benefited are those who, because of being neither regular nor emergency officers, have been unable to secure the benefits of their service through the Veterans' Administration. This situation is due to the fact that a number of officers were appointed provisional officers in 1917 and continued to serve during the World War under such commissions and to render exactly the same service as any other commissioned officers. The bill is merely a matter of justice intended to correct an evident oversight in the act of May 24, 1928.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

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

MAMMOTH CAVE NATIONAL PARK, KY.

The Senate proceeded to consider the bill (S. 618) to amend the act of May 25, 1926, entitled "An act to provide for the establishment of the Mammoth Cave National Park in the State of Kentucky, and for other purposes", which had been reported from the Committee on Public Lands and Surveys with amendments, on page 1, line 3, after the word "second", to strike out "proviso" and insert "and third provisos"; in line 7, after the word "same", to strike out the word "is" and insert "are"; and at the top of page 2 to insert the following:

Provided further, That no general development of said area shall be undertaken until a major portion of the remainder in such area, including all the caves thereof, shall have been accepted by said Secretary, and he shall have established a schedule of fees for admission to such caves.

SEC. 2. That in the establishment of the said Mammoth Cave National Park the Secretary of the Interior is hereby authorized to accept donations of money for the acquisition of lands and rights therein and to acquire the same by purchase, condemnation, or otherwise.

So as to make the bill read:

Be it enacted, etc., That the second and third provisos of section 3 of the act of May 25, 1926, entitled "An act to provide for the establishment of the Mammoth Cave National Park in the State of Kentucky, and for other purposes", be, and the same are hereby, amended to read as follows: "*And provided further*, That the minimum area to be administered and protected by the National Park Service shall be, for the said Mammoth Cave National Park, 20,000 acres: *Provided further*, That no general development of said area shall be undertaken until a major portion of the remainder in such area, including all the caves thereof, shall have been accepted by said Secretary and he shall have established a schedule of fees for admission to such caves."

SEC. 2. That in the establishment of the said Mammoth Cave National Park the Secretary of the Interior is hereby authorized to accept donations of money for the acquisition of lands and rights therein and to acquire the same by purchase, condemnation, or otherwise.

The amendments were agreed to.

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

WILLAMETTE NATIONAL FOREST, OREG.

The bill (S. 3007) to authorize an extension of exchange authority and addition of public lands to the Willamette National Forest in the State of Oregon was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That any lands which are in private ownership within the following-described area which are found by the Secretary of Agriculture to be chiefly valuable for national-forest purposes may be offered in exchange under the provisions of the act of March 20, 1922 (42 Stat. 465), as amended by the act of February 28, 1925 (43 Stat. 1090), and upon acceptance of title shall become parts of the Willamette National Forest; and, by proclamation of the President of the United States and upon recommendation of the Secretary of Agriculture, any lands in public ownership within such described area not now within the national forest found to be chiefly valuable for national-forest purposes may be added to the Willamette National Forest, subject to any valid existing claims. Townships 16 and 17 south, ranges 3 and 4 east, and sections 31, 32, 33, 34, 35, and 36 in township 15 south, range 3 east, of the Willamette meridian.

HANS DAHL

The bill (S. 113) for the relief of Hans Dahl was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of all laws conferring rights, benefits, and privileges upon persons honorably discharged from the United States Navy, Hans Dahl shall be held and considered as having been honorably discharged from the

United States Navy on January 15, 1929, as a seaman: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

JOSEPH GOULD

The bill (S. 164) for the relief of Joseph Gould was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Navy, Joseph Gould shall be held and considered to have been honorably discharged on June 25, 1920, as a seaman, second class, United States Navy: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

WILLARD HEATH MITCHELL

The bill (S. 309) granting an honorable discharge to Willard Heath Mitchell was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged sailors Willard Heath Mitchell, who was gunner's mate on board the U.S.S. *Montana,* shall hereafter be held and considered to have been honorably discharged from the naval service of the United States on September 23, 1932: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the pasage of this act.

The title was amended so as to read: "A bill for the relief of Willard Heath Mitchell."

CLARENCE LEROY WITHAM

The bill (S. 333) for the relief of Clarence Leroy Witham was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged sailors Clarence Leroy Witham, who served honorably as an enlisted man in the United States Navy during the World War, shall hereafter be held and considered to have been honorably discharged from the naval service of the United States as an enlisted man on February 2, 1922: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the date of passage of this act.

HUGH FLAHERTY

The bill (S. 367) for the relief of Hugh Flaherty was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, sailors, or marines Hugh Flaherty, private, United States Marine Corps, Spanish-American War, shall hereafter be held and considered to have been honorably discharged from the United States Marine Corps on the 22d day of April, 1899: *Provided,* That no pension, pay, allowance, or bounty shall be held to have accrued prior to the passage of this act.

EDGAR JOSEPH CASEY

The bill (S. 427) for the relief of Edgar Joseph Casey was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon persons honorably discharged from the United States Navy Edgar Joseph Casey shall be held and considered to have been honorably discharged from the United States Navy on the 1st day of September 1925: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

OFFICERS OF DENTAL CORPS OF THE NAVY

The bill (S. 1172) for the relief of certain officers of the Dental Corps of the United States Navy was announced as next in order.

Mr. WALSH. Mr. President, there is on the calendar a House bill of identical purport as the Senate bill, and I move that the House bill, being the bill H.R. 6690, be substituted for the Senate bill and be considered at this time.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill (H.R. 6690) for the relief of certain officers of the Dental Corps of the United States Navy was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That all commissioned officers now on active duty in the Dental Corps of the United States Navy who, while heretofore on active duty as reserve or temporary commissioned officers, had qualified for appointment to the Dental Corps of the United States Navy pursuant to an examination held at the United States Naval Medical School, Washington, D.C., in January 1920, and who since that date have continuously served on active duty, shall hereafter be entitled to a position on the precedence list in accordance with that attained in said examination: *Provided,* That such officers of the Dental Corps shall be assigned running mates for promotion purposes in accordance with their precedence as so determined: *And provided further,* That no back pay or allowances shall accrue to any officer by reason of the passage of this act.

The VICE PRESIDENT. Without objection, Senate bill 1172, for the relief of certain officers of the Dental Corps of the United States Navy, will be indefinitely postponed.

U.S.S. "NEWPORT"

The bill (S. 2681) authorizing the Secretary of the Navy to make available to the municipality of Aberdeen, Wash., the U.S.S. *Newport* was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized and directed to turn over to the municipality of Aberdeen, Wash., the U.S.S. *Newport* for use of the Grays Harbor district in connection with the training of the Naval Reserve organization of the district: *Provided,* That no expense to the Government shall be involved.

WILLIAM J. NOWINSKI

The bill (H.R. 408) for the relief of William J. Nowinski was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in computation of service for pay purposes, Lt. (Junior Grade) William J. Nowinski, Supply Corps, United States Navy, shall be held and considered to have entered a commissioned status in the Navy on April 19, 1926.

IMPROVEMENT OF DESTROYER BASE RESERVATION AT ASTORIA, OREG.

The bill (S. 1797) authorizing the removal of rock from the submarine and destroyer base reservation at Astoria (Tongue Point), Oreg., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized and directed to permit the State of Oregon, the county of Clatsop in such State, or any agent of or contractor with such State or county, or any department of the Government, to remove rock from the submarine and destroyer base reservation at Astoria (Tongue Point), Oreg., in any case where it is shown to the satisfaction of such Secretary that the rock sought to be removed is to be used exclusively in the construction of public works.

JOHN THOMAS SIMPKIN

The bill (H.R. 507) for the relief of John Thomas Simpkin was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers John Thomas Simpkin, who was a member of the naval forces of the United States, at the time of his discharge being confined in the United States naval prison at Portsmouth, N.H., shall hereafter be held and considered to have received a full, honorable discharge from the naval service of the United States on February 14, 1921: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

ELBERT L. GROVE

The bill (H.R. 909) for the relief of Elbert L. Grove was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged sailors Elbert L. Grove, late of United States Navy, shall hereafter be held and considered to have been honorably discharged from the naval service of the United States as a member of that organization on the 31st day of March 1901: *Provided,* That no bounty, back pay, pension, or allowance shall accrue by virtue of the passage of this act.

JOHN C. M'CANN

The bill (H.R. 1404) for the relief of John C. McCann was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized and directed to correct the service record of John C. McCann, formerly of the U.S.S. *California,* so that he shall be held and considered to have been honorably discharged on August 26, 1908,

and to grant to such John C. McCann an honorable discharge as of such date: *Provided*, That no pension, pay, or bounty shall be held to have accrued by reasons of the enactment of this act.

P. JEAN DES GARENNES

The bill (H.R. 2040) for the relief of P. Jean des Garennes was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized and directed to pay to P. Jean des Garennes, formerly a professor at the United States Naval Academy, now blind and totally incapacitated, the sum of $50 per month for the remainder of his life, beginning with the month in which this act is approved, chargeable to the appropriation "Pay, Naval Academy."

HARVEY COLLINS

The bill (H.R. 2074) for the relief of Harvey Collins was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Harvey Collins, late of the United States Navy, shall hereafter be held and considered to have been honorably discharged from the naval service of the United States as a member of that organization on the 20th day of September 1901: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

AUSTIN L. TIERNEY

The bill (S. 1979) for the relief of Austin L. Tierney was announced as next in order.

Mr. WALSH. Mr. President, there is on the calendar a practically identical House bill, being House bill 6871, which I ask may be substituted for the Senate bill and considered at this time.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H.R. 6871) for the relief of Austin L. Tierney, which was ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Austin L. Tierney, who served as a fireman, third-class, United States Navy, shall be held and considered to have been honorably discharged from the naval service of the United States as a fireman, third-class, on April 25, 1918: *Provided*, That no pay, bounty, or allowances shall be held as accrued prior to the passage of this act.

The PRESIDING OFFICER. Without objection, Senate bill 1979, for the relief of Austin L. Tierney, will be indefinitely postponed.

BRONZE TABLET TO THE MEMORY OF GEN. ROBERT H. DUNLAP, UNITED STATES MARINE CORPS

The Senate proceeded to consider the bill (H.R. 276) to authorize the placing of a bronze tablet bearing a replica of the Congressional Medal of Honor upon the grave of the late Brig. Gen. Robert H. Dunlap, United States Marine Corps, in the Arlington National Cemetery, Va., which had been reported from the Committee on Naval Affairs with an amendment, on page 2, at the beginning of line 2, to insert "The Government shall be at no expense in connection with the preparation of or the placing of this tablet", so as to make the bill read:

Be it enacted, etc., That there is hereby authorized to be placed upon the grave of Robert H. Dunlap, former brigadier general, United States Marine Corps, in the Arlington National Cemetery, Va., a bronze tablet bearing a replica of a Congressional Medal of Honor, for distinguishing himself conspicuously by extraordinary courage on May 19, 1931, at La Fariniere, Cinq-Mars La-Pile, France, where he met his death in a supreme effort to save the life of a French peasant woman. The Government shall be at no expense in connection with the preparation of or the placing of this tablet.

The amendment was agreed to.

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

The bill was read the third time and passed.

DEDICATION TO PHILADELPHIA OF TRACT OF LAND

The Senate proceeded to consider the bill (H.R. 3542) authorizing the Secretary of the Navy to dedicate to the city of Philadelphia for street purposes a tract of land situate in the city of Philadelphia and State of Pennsylvania, which was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized to dedicate to the city of Philadelphia, for street purposes, all that certain lot or piece of ground situate in the thirtieth ward of the city of Philadelphia and described as follows, to wit: Beginning at a point formed by the intersection of the southerly side of Bainbridge Street, 50 feet wide, and the westerly side of Twenty-fourth Street; thence south 75°18′58″ E., 53 feet and 11⅛ inches to a point, the said point being the intersection of the former southerly line of Bainbridge Street, 50 feet wide, and the northwesterly line of Grays Ferry Road, 60 feet wide; thence south 57°14′27″ W., 80 feet and 4⅛ inches along the said side of Grays Ferry Road to a point in the westerly side of Twenty-fourth Street; thence along the same north 15°4′32″ E., 59 feet and 2¼ inches to the first-mentioned point and place of beginning, containing thirty-five one thousandths of an acre of land, more or less.

Mr. ROBINSON of Arkansas. Mr. President, what is the area that is proposed to be deeded to the city of Philadelphia?

Mr. WALSH. Mr. President, the bill simply releases to the city of Philadelphia a few feet of land in order to straighten out a highway and to make it safer for the public.

Mr. ROBINSON of Arkansas. Very well.

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

MICHAEL J. BUDZINSKI

The Senate proceeded to consider the bill (S. 865) to correct the naval record of Michael J. Budzinski, which had been reported from the Committee on Naval Affairs with an amendment to strike out all after the enacting clause and insert:

That in the administration of any laws conferring rights, benefits, and privileges upon persons honorably discharged from the United States Navy Michael J. Budzinski shall be held and considered to have been honorably discharged from the United States Navy on the 15th day of December 1918: *Provided*, That no compensation, retirement pay, back pay, pension, or other benefit shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

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

The title was amended so as to read: "A bill for the relief of Michael J. Budzinski."

IRWIN D. COYLE

The bill (H.R. 2041) for the relief of Irwin D. Coyle was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to credit the accounts of Irwin D. Coyle, lieutenant commander, United States Navy, in the sum of $911.94, representing payment made by him to an officer of the Navy in accordance with orders of the Navy Department, which payment was disallowed by the Comptroller General: *Provided*, That the Comptroller General of the United States is hereby authorized and directed to recredit the accounts of Chief Boatswain John B. Manghan, United States Navy, deceased, with the sum of $165.95, which amount was due and unpaid to Chief Boatswain Manghan at the date of his death on May 23, 1932, and was subsequently applied by the Comptroller General of the United States to offset in part the disallowance of $911.94 then outstanding in the accounts of Lt. Comdr. Irwin D. Coyle, Supply Corps, United States Navy.

DAISY M. AVERY

The bill (H.R. 880) for the relief of Daisy M. Avery was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of the funds not otherwise appropriated, the sum of $1,000 to Daisy M. Avery, in complete payment and settlement of all claims against the United States Government on account of an injury sustained by the said Daisy M. Avery while in the performance of her duty as an employee of the United States Government on March 28, 1922: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services

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

FRANK WILKINS

The bill (H.R. 4542) for the relief of Frank Wilkins, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of $100 to Frank Wilkins for the death of a horse caused by a shot on the military reservation at Fort McPherson, Ga., in December 1925.

DONGJI INVESTMENT CO., LTD.

The Senate proceeded to consider the bill (S. 3016) for the relief of the Dongji Investment Co., Ltd., which was read, as follows:

Be it enacted, etc., That Private Law No. 228, Seventy-second Congress, entitled "An act for the relief of the Dongji Investment Co., Ltd.," be, and it is hereby, amended by deleting from lines 5 and 6 the words "in excess of the amount of the performance bond given by such company."

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

Mr. LOGAN. Mr. President, during the last Congress a bill for relief of the Dongji Investment Co. of Hawaii was reported favorably and passed. This bill proposes to amend that act. The Government made a contract with the company for certain timbers for the navy yard at Pearl Harbor, Hawaii, but owing to circumstances which intervened it was impossible for the investment company to fulfill its contract and the Government exacted certain penalties. It is a charitable organization. So in the last Congress the bill to relieve it of the claim of the Government was introduced and passed. There was a bond filed to the extent of $2,400. It is proposed to relieve the company of everything except the amount of that bond as it does not have the money with which to pay it.

Mr. McKELLAR. I see that the Navy Department recommends the bill.

Mr. LOGAN. Oh, yes; it is recommended by the Navy Department.

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

GEORGE LAWLEY & SON CORPORATION, OF BOSTON

The bill (S. 3047) to carry out the findings of the Court of Claims in the case of George Lawley & Son Corporation, of Boston, Mass., was announced as next in order.

Mr. McKELLAR. Mr. President, a very large amount seems to be involved in this bill. Is the Senator from Kentucky thoroughly convinced it is right?

Mr. LOGAN. It is true that the amount carried by the bill is large, amounting to about $93,000. It grew out of a contract made by the Government about 1898 to build two torpedo boats. The contractors lost a lot of money.

The Government did not know how to build them, neither did the contractor. The matter was referred to the Court of Claims some years ago. The court reported that the amount, about $93,000, was what the concern lost. It did not enter a judgment, and perhaps had not such authority under the resolution. The claim is undoubtedly just. There is no legal obligation on the Government to pay it, but it grew out of the change in plans and specifications through no fault of the contractor.

Mr. McKELLAR. The Senator and his committee believe it is all right?

Mr. LOGAN. We are satisfied the claim should be paid.

Mr. McKELLAR. Was it a unanimous report?

Mr. LOGAN. It was.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

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

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $92,781 to the George Lawley & Son Corporation, of Boston, Mass., being the difference between the actual cost of the construction of two torpedo boats and the amount paid under the contract entered into for the building of said boats, as found by the Court of Claims and reported in Senate Document No. 135, Seventy-third Congress, second session.

W. H. KEY AND ESTATE OF JAMES R. WILSON

The Senate proceeded to consider the bill (S. 2112) for the relief of W. H. Key and the estate of James R. Wilson, which had been reported from the Committee on Claims with amendments, on page 1, line 6, to strike out the initial "R" and insert "E"; in line 12, to strike out the numeral "2" and insert "21"; and on page 2, line 3, to strike out the initial "R" and insert "E", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $160 to W. H. Key and the estate of James E. Wilson, their heirs or assigns, as compensation for the NE¼NE¼ sec. 31, T. 7 S., R. 8 W., Huntsville meridian, Lawrence County, Ala., erroneously deeded to the United States of America by George E. Barnett, trustee of S. E. Gardner (bankrupt), by deed dated March 21, 1918, and recorded among the land records of Lawrence County in liber 2, folio 148, March 23, 1918: *Provided*, That the said W. H. Key and the estate of James E. Wilson, their and each of their heirs or assigns, shall quitclaim to the United States all of their rights, title, and interest in and to the said described land.

The amendments were agreed to.

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

The title was amended so as to read: "A bill for the relief of W. H. Key and James E. Wilson."

MARY JOSEPHINE LOBERT

The bill (H.R. 4959) for the relief of Mary Josephine Lobert was announced as next in order.

Mr. McKELLAR. Mr. President, may we have an explanation of the bill from the Senator from Kansas [Mr. CAPPER]?

Mr. CAPPER. Mr. President, this is a bill for the relief of Mary Josephine Lobert. Her husband gave bond on or about February 22, 1928, for the appearance of one John Wunder in the Federal court to answer to a charge of violation of the National Motor Vehicle Theft Act. An indictment was returned against Wunder, and his case was called for trial May 16, 1928. He did not appear and later was found confined in the State penitentiary at Little Rock, Ark.

In the meantime judgment on the bond had been entered against Mr. Lobert but had not been paid. He promptly notified the Federal authorities of the whereabouts of Wunder and requested a remission of the judgment. With full knowledge of the fact that Wunder was in custody of the State authorities of Arkansas, the United States marshal insisted that Mr. Lobert pay the amount of the judgment, and this was done on December 31, 1929.

Under the circumstances it was not possible for Mr. Lobert to produce the defendant Wunder in the Federal court as required by his bond. The State of Arkansas had the defendant. They took good care of him until his term expired in June 1931 when he was turned over to the Federal authorities as required by his bond.

Mr. McKELLAR. Has he ever been produced?

Mr. CAPPER. Yes; he has. As I just stated, the State of Arkansas had the defendant. They took good care of him until his term expired in June 1931, when he was turned over to the Federal authorities.

Mr. McKELLAR. I have no objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mary Josephine Lobert, widow of M. J. Lobert, the sum of $1,632.68, in full settlement of all claims against the Government of the United States representing judgment in the amount of $1,632.68, secured to the United States for the United States District Court of the Western

District of Texas against M. J. Lobert, on account of bond of $1,500, for the appearance of Johnnie (Jack) Wander (Wunder), charged with a violation of the Motor Vehicle Theft Act, which bond was forfeited by reason of the failure of the said defendant to appear, and $132.68 being court costs, paid into court on December 31, 1929, and deposited by the United States marshal for the western district of Texas, and covered into the Treasury of the United States on January 9, 1930: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

KATHERINE G. TAYLOR

The bill (H.R. 2818) for the relief of Katherine G. Taylor was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Katherine G. Taylor, superintendent Taylor Hospital, Ridley Park, Pa., the sum of $159. Such sum shall be in full satisfaction of all claims against the United States for medical aid rendered to Laura Mae Kurtz as a result of being struck by United States Army Cadillac truck no. 60186 on March 20, 1929, near Ridley Park, Pa.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

ARTHUR K. FINNEY

The bill (H.R. 526) for the relief of Arthur K. Finney was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Arthur K. Finney, of Plymouth, Mass., the sum of $108.77 in full compensation for handling two carloads of coal, totaling 84.19 tons, sold to the United States Government and delivered to the Federal building at Plymouth, Mass.

MONUMENTAL STEVEDORE CO.

The bill (H.R. 6638) for the relief of the Monumental Stevedore Co. was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement of all claims against the Government of the United States, the sum of $677.75 to Monumental Stevedore Co., of Baltimore, Md., a corporation organized and existing under the laws of the State of Maryland, owner of lighter *No. 1*, on account of damages caused to said lighter by collision therewith of the United States Coast Guard cutter *Winnesimmet* in the Patapsco River on the 17th day of September 1923: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

JOHN H. MEHRLE

The bill (H.R. 879) for the relief of John H. Mehrle was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John H. Mehrle, of Columbus, Ohio, the sum of $1,000, in full settlement against the Government for injuries received when struck by a Government mail truck at the intersection of Fourth and Spring Streets, Columbus, Ohio, on September 5, 1930: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

MARY BLACK MEMORIAL HOSPITAL

The Senate proceeded to consider the bill (S. 2969) for the relief of the Mary Black Memorial Hospital, which had been reported from the Committee on Claims, with amendments, on page 1, line 7, to strike out " $2,800.35 " and insert " $2,500.85 ", and on page 2, after line 4, to insert the following:

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

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Mary Black Memorial Hospital, Inc., of Spartanburg, S.C., the sum of $2,500.85, in full satisfaction of all claims of such hospital against the United States for expenses incurred in furnishing hospitalization and medical and surgical treatment to Paul Henry Manning, a fireman, second class, United States Navy, from October 16, 1931, to February 1, 1932, pursuant to a telegraphic authorization dated October 16, 1931, from the Naval Hospital, Norfolk, Va., such claim having been subsequently disallowed by the Comptroller General: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection wtih said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

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

CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARK

The bill (S. 2440) to provide for the addition of certain lands to the Chickamauga and Chattanooga National Military Parks in the States of Tennessee and Georgia was announced as next in order.

Mr. BACHMAN. Mr. President, there is on the calendar, order of business no. 674, an identical House bill, no. 7200. I ask that the House bill may be substituted for the Senate bill and be considered at this time.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

There being no objection, the bill (H.R. 7200) to provide for the addition of certain lands to the Chickamauga and Chattanooga National Military Park in the States of Tennessee and Georgia was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to accept in behalf of the United States lands, easements, and buildings as may be donated for an addition to the Chickamauga and Chattanooga National Military Park lying within what is known as the " Chattanooga-Lookout Mountain Park " (a corporation, Adolph S. Ochs, president) and/or any lands within 1 mile of said Chattanooga-Lookout Mountain Park in the States of Tennessee and Georgia.

SEC. 2. That all laws affecting the Chickamauga and Chattanooga National Military Park shall be extended and apply to any addition or additions which may be added to said park under the authority of this act.

The PRESIDING OFFICER. Without objection Senate bill, S. 2440, will be indefinitely postponed.

ANNA MARIE SANFORD

The bill (H.R. 232) for the relief of Anna Marie Sanford was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission is hereby authorized to consider and determine the claim of Anna Marie Sanford, widow of William Richard Sanford, deceased, former furnace man, Navy Yard, Washington, D.C., in the same manner and to the same extent as if said William Richard Sanford had made application for the benefits of said act within the 1-year period required by sections 17 and 20 thereof, and notwithstanding the lapse of time between the injury sustained by the said William Richard Sanford at the Washington Navy Yard and his death: *Provided*, That no benefit shall accrue prior to the approval of this act.

CHARLES W. DWORACK

The bill (H.R. 666) for the relief of Charles W. Dworack was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended (U.S.C., title 5, secs. 767 and 770), are hereby waived in favor of Charles W. Dworack, who was injured while in the employ of the Federal Government on February 12, 1922, at the time of the burning of the airship *Roma*, and the said Charles W. Dworack is hereby granted the benefits of the other provisions of said act as amended: *Provided*, That no benefits shall accrue hereunder until the enactment of this act: *Provided*, Said compensation commission is to determine the merit and justice of this claim under the provisions of said compensation act.

WILLIAM K. LOVETT

The bill (H.R. 191) for the relief of William K. Lovett was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William K. Lovett, Wildwood, N.J., the sum of $2,050 in full settlement against the Government for loss of the motor sloop *Edith* and cargo while engaged in rendering assistance to the keeper and crew of the Holly Beach Life Saving Station at Cold Spring Inlet, N.J., on October 6, 1913: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

BOWERS SOUTHERN DREDGING CO.

The Senate considered the bill (S. 1690) for the relief of the Bowers Southern Dredging Co., which had been reported from the Committee on Claims, with an amendment, in line 6, to strike out "to reimburse said company" and insert in lieu thereof "in full settlement of all claims against the Government", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $3,400 to the Bowers Southern Dredging Co., in full settlement of all claims against the Government for the liquidated damages assessed against said company due to delay caused by World War conditions in the performance of its contract no. 2665, dated November 17, 1917, with the Bureau of Yards and Docks, Navy Department, for dredging and filling certain areas at the naval air station, Miami, Fla.

The amendment was agreed to.

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

LUCY B. HERTZ AND J. W. HERTZ

The Senate proceeded to consider the bill (S. 887) for the relief of Lucy B. Hertz and J. W. Hertz, which had been reported from the Committee on Claims with amendments, on page 1, line 6, to strike out "$5,600" and insert "$1,500", and, in line 9, after the word "service", to insert the following:

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

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to Lucy B. Hertz and J. W. Hertz, out of any money in the Treasury not otherwise appropriated, the sum of $1,500, in full satisfaction of all claims against the United States on account of injuries sustained on February 18, 1931, when they were struck by a bus belonging to the United States Indian Service: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

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

A. H. MARSHALL

The Senate proceeded to consider the bill (S. 1231) for the relief of A. H. Marshall, which had been reported from the Committee on Claims with amendments, on page 1, line 6, after the word "full", to strike out "payment and settlement" and insert "settlement of all claims against the Government of the United States", and in line 11, after the words "Secretary of War", to insert the following:

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

So as to make the bill read:

Be it enacted, etc., That the Secertary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to A. H. Marshall, of Charleston, Mo., the sum of $20,000 in full settlement of all claims against the Government of the United States for the destruction of lands on the Mississippi River in the vicinity of Buffalo Island by reason of the construction of certain river-control works under the direction of the Secretary of War: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

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

BILL PASSED OVER

The bill (H.R. 4013) to provide an additional appropriation as the result of a reinvestigation, pursuant to the act of Feb. 2, 1929 (45 Stat., p. 2047, pt. 2), for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N.J., July 10, 1926, was announced as next in order.

Mr. ROBINSON of Arkansas. I ask that the bill go over.

The PRESIDING OFFICER. On objection, the bill will be passed over.

REPEAL OF SECTIONS OF REVISED CODE RELATING TO INDIANS

The bill (S. 2671) repealing certain sections of the Revised Code of Laws of the United States relating to the Indians was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the following sections of title 25 of the Revised Code of Laws of the United States be, and they are hereby, repealed: Sections 171, 172, 173, 186, 219, 220, 221, 222, 223, 224, 225, and 226.

HAROLD S. SHEPARDSON

The bill (S. 2227) for the relief of Harold S. Shepardson was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Harold S. Shepardson, late of Company A, Fourteenth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged April 28, 1905, from the military service of the United States: *Provided*, That no bounty, back pay, pension, or allowances shall be held to have accrued prior to the passage of this act.

COLUMBIA RIVER BRIDGE, OREGON

The bill (H.R. 7060) to extend the times for commencing and completing the construction of a bridge across the Columbia River near The Dalles, Oreg., was considered, ordered to a third reading, read the third time, and passed.

COLUMBIA RIVER BRIDGE, OREGON

The bill (H.R. 7801) to extend the times for commencing and completing the construction of a bridge across the Columbia River at or near The Dalles, Oreg., was considered, ordered to a third reading, read the third time, and passed.

POTOMAC RIVER BRIDGE, WEST VIRGINIA

The bill (H.R. 8477) authorizing the State Road Commission of West Virginia to construct, maintain, and operate a toll bridge across the Potomac River at or near Shepherdstown, Jefferson County, W.Va., was considered, ordered to a third reading, read the third time, and passed.

DES MOINES RIVER BRIDGE, IOWA

The bill (H.R. 8040) granting the consent of Congress to the Iowa State Highway Commission and the Missouri Highway Department to maintain a free bridge already constructed across the Des Moines River near the city of Keokuk, Iowa, was considered, ordered to a third reading, read the third time, and passed.

BLACK RIVER BRIDGE, ARKANSAS

The bill (H.R. 8237) to legalize a bridge across Black River at or near Pocahontas, Ark., was considered, ordered to a third reading, read the third time, and passed.

GEORGE M. WRIGHT

The Senate proceeded to consider the bill (S. 2720) for the relief of George M. Wright, which had been reported from the Committee on Claims with an amendment, in line 7, to strike out "with interest", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund and pay, out of any money in the Treasury not otherwise appropriated, to George M. Wright, Great Falls, S.C., the sum of $545.03, for income taxes erroneously collected for the taxable year 1924.

The amendment was agreed to.

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

JAMES W. WALTERS

The bill (S. 1972) for the relief of James W. Walters was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he hereby is, authorized and directed to pass and allow credit for in the settlement of the disbursing accounts of James W. Walters, captain, Ordnance Department, United States Army, an item in the sum of $2,626.76, representing a shortage in the disbursing account of John D. Gallagher, civilian clerk, employed at the Raritan Arsenal, N.J., for which said James W. Walters has been held accountable: *Provided*, That any amounts stopped against the pay of Captain Walters on account of this disallowance which is cleared by the passage of this act shall also be refunded to him.

FREDERICK G. BARKER

The Senate proceeded to consider the bill (S. 379) for the relief of Frederick G. Barker, which had been reported from the Committee on Claims with amendment to insert, after line 9, the following:

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

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frederick G. Barker, of Cleveland, Ohio, the sum of $3,000 in full settlement of all claims against the Government of the United States for injuries received November 14, 1919, when a United States mail truck collided with him: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

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

S. N. KEMPTON

The Senate proceeded to consider the bill (S. 819) for the relief of S. N. Kempton, which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause, and insert:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to S. N. Kempton, of Salem, Oreg., out of any money in the Treasury not otherwise appropriated, the sum of $500 in full settlement of all claims against the Government of the United States for disabilities incurred while fighting a forest fire at Whetstone Mountain, Santiam National Forest, Oreg., on August 3 and 4, 1929.

The amendment was agreed to.

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

MISSISSIPPI RIVER BRIDGE, MISSOURI-ILLINOIS

The bill (H.R. 7803) authorizing the city of East St. Louis, Ill., to construct, maintain, and operate a toll bridge across the Mississippi River at or near a point between Morgan and Wash Streets, in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill., was considered, ordered to a third reading, read the third time, and passed.

CONTRACTS AND AGREEMENTS UNDER AGRICULTURAL ADJUSTMENT ACT

The bill (S. 2817) to amend the act relating to contracts and agreements under the Agricultural Adjustment Act, approved January 25, 1934, was announced as next in order.

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

Mr. FLETCHER. Mr. President, the bill was considered by the Committee on Banking and Currency and unanimously reported. On January 25, 1934, an act was passed providing that section 3741 of the Revised Statutes and sections 114 and 115 of the Criminal Code of the United States shall not apply to any contracts or agreements entered into under the Agricultural Adjustment Act. The sections referred to provide in effect that Members of Congress shall have no interest, direct or indirect, in any contract or agreement entered into in behalf of the United States by any officer or person authorized to make contracts in its behalf.

The purpose of the act of January 25 was to exempt Members of Congress from the application of the provisions of such sections so far as contracts and agreements under the Agricultural Adjustment Act are concerned.

The bill reported by the committee amends the act of January 25 so as to provide that the exemptions shall apply with respect to contracts and agreements entered into under the Federal Farm Loan Act, as amended, and the Home Owners' Loan Act of 1933.

Mr. FESS. I have no objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

Be it enacted, etc., That the act entitled "An act relating to contracts and agreements under the Agricultural Adjustment Act", approved January 25, 1934, is amended by inserting before the period at the end thereof a comma and the following: "the Federal Farm Loan Act, as amended, and the Home Owners' Loan Act of 1933."

FLORENCE HUDGINS LINDSAY AND ELIZABETH LINDSAY

The bill (H.R. 233) for the relief of Florence Hudgins Lindsay and Elizabeth Lindsay was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Florence Hudgins Lindsay and Elizabeth Lindsay, mother and sister, respectively, of Roland Martin Lindsay and James Lawrence Lindsay, out of any money in the Treasury not otherwise appropriated, the sum of $10,000, one half to each, in full settlement of all claims against the Government of the United States, for loss and damages sustained by reason of the death of said Roland Martin Lindsay and James Lawrence Lindsay on account of injuries sustained on the 6th day of October 1931, from collision with a United States Army truck operated near Grafton, York County, Va., occasioned by the said truck being operated on a dark night and without being properly lighted: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

MARGUERITE CISCOE

The bill (H.R. 264) for the relief of Marguerite Ciscoe was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,000 to Marguerite Ciscoe, widow of William Ciscoe, who was fatally injured as a result of being struck by a United States mail truck No. 4182, New York City, N.Y., on July 18, 1931, suffering injuries which caused his death on November 12, 1931: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

HARVEY M. HUNTER

The bill (H.R. 323) for the relief of Harvey M. Hunter was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to reimburse Harvey M. Hunter, civilian ammunition foreman of the Ordnance Department, United States Army, the sum of $71.50, out of any money in the Treasury not otherwise appropriated, for damage done to household goods during transportation from station at Baltimore, Md., to new station at San Francisco, Calif., August 7, 1928, to October 18, 1928, in full settlement of all claims against the Government of the United States.

GLENDALE, CALIF.

The bill (H.R. 470) for the relief of the city of Glendale, Calif., was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,157.96 to the city of Glendale, State of California, in full settlement of all claims against the Government of the United States for damages to a pump house and equipment owned by the said city of Glendale, State of California, caused by the crash of an airplane owned and operated by the United States Navy, and the fire resulting therefrom, on the 16th day of October 1924, said damages being without fault or contributary negligence on the part of the city of Glendale: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

WARD A. JEFFERSON

The bill (H.R. 520) for the relief of Ward A. Jefferson, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to cancel the indebtedness of Ward A. Jefferson in the amount of $1,197.57, arising out of the fact that for the period from March 1, 1929, to January 10, 1931, he was paid for services rendered by him as a bridge tender on the Cape Cod Canal and also as rural mail carrier on the route from West Wareham, Mass., the payment of such dual compensation being in contravention of the provisions of section 6 of the act of May 10, 1916, as amended by the act of August 29, 1916 (39 Stat. 582; U.S.C., title 5, sec. 58).

WILLARD B. HALL

The bill (H.R. 719) for the relief of Willard B. Hall was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Willard B. Hall, out of any money in the Treasury not otherwise appropriated, the sum of $75, being the value of a horn used by the claimant during his service with the First Kansas Infantry Band, the One Hundred and Thirty-seventh Infantry Band, and the One Hundred and Tenth Engineers' Band from July 31, 1917, to May 3, 1919.

WILLIAM E. BOSWORTH

The bill (H.R. 768) for the relief of William E. Bosworth, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of William E. Bosworth, coupon note no. A-131414 in the denomination of $500 of the Victory 4¾-percent convertible gold notes of 1922-1923, matured May 20, 1923, without interest and without presentation of said note which is alleged to have been stolen or destroyed, provided the said note shall not have been previously presented and paid: *Provided*, That said William E. Bosworth shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of said note in such form and with such corporate surety as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the theft or destruction of the note hereinbefore described: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

JOHN MOORE

The bill (H.R. 2512) for the relief of John Moore was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission is hereby authorized to consider and determine

the claim of John Moore, on account of injuries sustained by him while employed by the War Department at Detroit, Mich., on or about August 18, 1919, in the same manner and to the same extent as if said John Moore had made application for the benefits of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, within the 1-year period required by sections 17 and 20 thereof: *Provided*, That no benefits shall accrue prior to the approval of this act: *Provided further*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

JOHN A. RAPELYE

The Senate proceeded to consider the bill (H.R. 211) for the relief of John A. Rapelye, which had been reported from the Committee on Claims with an amendment, on page 1, line 3, after "That the", to strike out "Postmaster General" and insert "Comptroller General of the United States", so as to make the bill read:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the account of John A. Rapelye, postmaster at Flushing, N.Y., with the sum of $1,249.08 to reimburse him for money-order and postal funds stolen from the Jackson Heights station of the Flushing post office on the night of March 3, 1927: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

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

The bill was read the third time and passed.

E. W. GILLESPIE

The Senate proceeded to consider the bill (H.R. 328) for the relief of E. W. Gillespie, which had been reported from the Committee on Claims with an amendment, on page 1, line 3, after "That the", to strike out "Postmaster General" and insert "Comptroller General of the United States", so as to make the bill read:

Be it enacted, etc., That the Comptroller General of the United States is authorized and directed to credit the account of E. W. Gillespie, former postmaster at Rock River, Wyo., in the sum of $94.91, such sum representing the loss in the account of the said E. W. Gillespie caused by the failure of the First National Bank of Rock River, Wyo., where the post-office funds were deposited by the said E. W. Gillespie.

The amendment was agreed to.

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

The bill was read the third time and passed.

IRENE BRAND ALPER

The Senate proceeded to consider the bill (H.R. 473) for the relief of Irene Brand Alper, which had been reported from the Committee on Claims with an amendment, on page 1, line 4, after the word "pay", to insert "out of any money in the Treasury not otherwise appropriated", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Irene Brand Alper the sum of $1,250 in full settlement of all claims against the Government of the United States in full settlement for an injury incurred by her when 19 years old, when she was seriously injured and crippled for life by being struck down and run over on the 11th day of August 1921 by the United States Navy car no. 2499, in the city of New York, through the careless and negligent operation of said car by an employee of the United States Government employed at the time to operate said car: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

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

The bill was read the third time and passed.

POST OFFICE BUILDING, LAS VEGAS, NEV.

The bill (S. 2662) authorizing the Comptroller General of the United States to settle and adjust the claims of subcontractors for material and labor furnished in the construction of a post-office building at Las Vegas, Nev., was announced as next in order.

The VICE PRESIDENT. This bill is the same as House bill 3900, Order of Business No. 763.

Mr. McCARRAN. I ask that the House bill be substituted for the Senate bill.

The PRESIDING OFFICER. Without objection, that order will be made.

The Senate proceeded to consider the bill (H.R. 3900) authorizing the Secretary of the Treasury to pay subcontractors for material and labor furnished in the construction of the post office at Las Vegas, Nev., which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to subcontractors, labor, and material men who furnish labor and material to the Plains Construction Co., defaulted general contractor for the construction of the post office at Las Vegas, Nev., such sums as he may consider equitable and just to reimburse said subcontractors, labor, and material men for unpaid accounts left by said Plains Construction Co at the time of its default, said sums to be paid only upon proper proof of actual losses sustained exclusive of profit; and there is hereby made available for this purpose not to exceed $20,000 from any sum which may remain from the lump-sum appropriations made for building-construction purposes, notwithstanding the amount of the claims of said subcontractors in addition to the cost of completing the building exceed the limit of the cost for the construction of the Las Vegas Post Office.

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

Mr. McCARRAN. Mr. President, in explanation of the bill I desire to say that the bill is supported by the report of the Acting Secretary of the Treasury. It grows out of the construction of a post-office building in Las Vegas, Nev., where the contractor furnished a bond which was discovered by the Government to be false and without validity and used the names of sureties that were not authorized. In other words, he forged the names of his sureties. He was afterward indicted and tried.

The materials and labor furnished went into the building and were used by the Government. The Government had the benefit of them; and when the contract was again let, the materials and the labor and everything that had been furnished under the first contractor were taken into consideration and deducted from the price of the second contract. The Government got all the benefit of these things. No one excepting those who furnished the material and the labor lost by it.

Mr. BULKLEY. Mr. President, I offer an amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and in lieu thereof insert the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Goldsmith Metal Lath Co. the sum of $892.73, to Price-Evans Foundry Corporation the sum of $1,790.10, and to R. W. Felix the sum of $27.81, in full settlement of all claims against the Government of the United States for losses suffered by the said companies by reason of the default of the Plains Construction Co., general contractors for the construction of the post office at Las Vegas, Nev., and the contractor's

failure to furnish the valid bond as required by law for the protection of labor and material men furnishing labor and material on public works: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

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

Mr. BULKLEY. Mr. President, this amendment provides for compensating certain additional subcontractors on the same job who are not covered under the language of the bill introduced by the Senator from Nevada. These claims have been passed upon and favorably reported by the Committee on Claims of the Senate, and also by the Committee on Claims of the House.

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

The amendment was agreed to.

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

The bill was read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 2662 will be indefinitely postponed.

MARGOTH OLSEN VON STRUVE

The bill (S. 2875) for the relief of Margoth Olsen von Struve was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Margoth Olsen von Struve, widow of Henry C. von Struve, late American consul at Tenerife, Canary Islands, the sum of $5,000, equal to 1 year's salary of her deceased husband.

SEC. 2. That there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this act.

STELIO VASSILIADIS

The bill (S. 2748) to authorize an appropriation for the reimbursement of Stelio Vassiliadis was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be paid to Stelio Vassiliadis the sum of $406.53, being the equivalent of 790 gold rubles at $0.5146 to the ruble, for the reimbursement of certain expenditures made by him as vice consul of Spain at Kiev, Russia, in representing the interests of the United States at that post from March 1, 1918, to the end of February 1920.

CORNELIA CLAIBORNE

The bill (S. 2919) for the relief of Cornelia Claiborne was announced as next in order.

Mr. McKELLAR. Mr. President, I notice that this bill and the next one are bills to pay a year's salary to the widows of our foreign officers who died in the Service. Is there any law which provides for that?

Mr. JOHNSON. It is the custom. I do not think it is a law.

Mr. McKELLAR. It will involve a very heavy expense if we are to pay a year's salary in all such cases.

Mr. JOHNSON. I do not think it is the law, but I think it has been a universal custom.

Mr. ROBINSON of Arkansas. There are many precedents for it.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to be engrossod for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to Cornelia Claiborne, widow of Hamilton Cabell Claiborne, late American consul at Frankfort, Germany, the sum of $7,000, being 1 year's salary of her deceased husband, who died while in the Foreign Service.

EMILE C. DAVIS

The bill (S. 2367) for the relief of Emilie C. Davis was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Emilie C. Davis, widow of Raymond Davis, late Foreign Service officer of the United States, and formerly American consul at Aden, Arabia; Paris, France; Rosario, Argentina; and Prague, Czechoslovakia, the sum of $4,500, being 1 year's salary of her deceased husband.

AMENDMENT OF AGRICULTURAL ADJUSTMENT ACT

The Senate proceeded to consider the bill (S. 2674) to amend an act entitled "An act to relieve the existing national economic emergency by increasing agricultural purchasing power, to raise revenue for extraordinary expenses incurred by reason of such emergency, to provide emergency relief with respect to agricultural indebtedness, to provide for the orderly liquidation of joint-stock land banks, and for other purposes", approved May 12, 1933, which had been reported from the Committee on Agriculture and Forestry with amendments.

Mr. ROBINSON of Arkansas. Mr. President, I will ask the Senator from Illinois [Mr. DIETERICH] to explain the provisions of this bill.

Mr. DIETERICH. Mr. President, this is a bill which relieves from taxation those commodities upon which a processing tax is charged when they are used by State or Federal charitable institutions. It is a bill in which many of the States are interested. They can get relief later, but this is a provision whereby they will not have to pay the processing tax in the first instance. The bill has been submitted to the Department of Agriculture and has the Department's O.K.

Mr. ROBINSON of Arkansas. The amendments suggested have been incorporated in the bill?

Mr. DIETERICH. They have been incorporated in it.

Mr. ROBINSON of Arkansas. I have no objection.

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

The amendments were, on page 2, line 7, after the word "State", to insert "or Federal"; and on page 3, line 4, after the word "or", to strike out "use", with a quotation mark, and insert "use. The word 'State' as used in this section shall include a State and any political subdivision thereof," so as to make the bill read:

Be it enacted, etc., That subsection (c) of section 15 of the act entitled "An act to relieve the existing national economic emergency by increasing agricultural purchasing power, to raise revenue for extraordinary expenses incurred by reason of such emergency, to provide emergency relief with respect to agricultural indebtedness, to provide for the orderly liquidation of joint-stock land banks, and for other purposes", approved May 12, 1933, is amended to read as follows:

"Any person, including any State or Federal organization or institution, delivering any product to any organization for charitable distribution or use, including any State or Federal welfare organization, for its own use, whether the product is delivered as merchandise or as a container for merchandise or otherwise, 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 due and paid under this title with respect to such product so delivered, or to a credit against any tax due and payable under this title of the amount of tax which would be refundable under this section with respect to such product so delivered: *Provided, however*, That no tax shall be refunded or credited under this section unless the person claiming the refund or credit establishes, in accordance with regulations prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury (1) that he has not included the tax in the price of the product so delivered or collected the amount of the tax from the said organization, or (2) that he has repaid, or has agreed in writing to repay, the amount of the tax to the said organization. No refund shall be allowed under this section unless claim therefor is filed within 6 months after delivery of the products to the organization for charitable distribution or use. The word 'State' as used in this section shall include a State and any political subdivision thereof."

The amendments were agreed to.

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

BILL PASSED OVER

The bill (H.R. 6898) authorizing the city of Atchison, Kans., and the county of Buchanan, Mo., or either of them, or the States of Kansas and Missouri, or either of them, or the highway departments of such States, acting jointly or severally, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Atchison, Kans., was announced as next in order.

Mr. BULKLEY. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

MARINO AMBROGI

The bill (S. 417) for the relief of Marino Ambrogi was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Marino Ambrogi, who was a member of Company B, One Hundred and Fourth Regiment ——— Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 20th day of December 1918: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

CHESAPEAKE BAY BRIDGE

The bill (S. 3211) to extend the times for commencing and completing the construction of a bridge across the Chesapeake Bay between Baltimore and Kent Counties, Md., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Chesapeake Bay, between Baltimore and Kent Counties, Md., authorized to be built by the Chesapeake Bay Bridge Co. by section 11 of the act of Congress approved March 4, 1933, are hereby extended 1 and 3 years, respectively, from the date of approval hereof.

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

MISSOURI RIVER BRIDGE, FLORENCE, NEBR.

The bill (S. 3230) creating the Florence Bridge Commission and authorizing said commission and its successors and assigns to construct, maintain, and operate a bridge across the Missouri River at or near Florence, Nebr., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the Florence Bridge Commission (hereinafter created, and hereinafter referred to as the "commission"), and its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at or near the city of Florence, Nebr. (now a part of Omaha, Nebr.), at a point suitable to the interests of navigation, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters", approved March 23, 1906, subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the commission and its successors and assigns the right and power to enter upon such lands and to acquire, condemn, occupy, possess, and use such real estate and other property in the State of Nebraska and the State of Iowa as may be needed for the location, construction, operation, and maintenance of such bridge and its approaches, upon making just compensation therefor, to be ascertained and paid according to the laws of the State in which such real estate and other property are located, and the proceedings therefor shall be the same as in the condemnation of private property for public purposes in said States, respectively.

SEC. 3. The commission and its successors and assigns are hereby authorized to fix and charge tolls for transit over such bridge in accordance with the provisions of this act.

SEC. 4. The commission and its successors and assigns are hereby authorized to provide for the payment of the cost of the bridge and its approaches and the necessary lands, easements, and appurtenances thereto by an issue or issues of negotiable bonds of the commission, bearing interest at not more than 6 percent per annum, the principal and interest of which bonds and any premium to be paid for retirement thereof before maturity shall be payable solely from the sinking fund provided in accordance with this act. Such bonds may be registrable as to principal alone or both principal and interest, shall be in such form not inconsistent with this act, shall mature at such time or times not exceeding 20 years from their respective dates, shall be in such denominations, shall be executed in such manner, and shall be payable in such medium and at such place or places as the commission may determine. The commission may repurchase and may reserve the right to redeem all or any of said bonds before maturity in such manner and at such price or prices, not exceeding 105 and accrued interest, as may be fixed by the commission prior to the issuance of the bonds. The commission may enter into an agreement with any bank or trust company in the United States as trustee having the power to make such agreement, setting forth the duties of the commission in respect of the construction, maintenance, operation, repair, and insurance of the bridge, the conservation and application of all funds, the safeguarding of moneys on hand or on deposit, and the rights and remedies of said trustee and the holders of the bonds, restricting the individual right of action of the bondholders as is customary in trust agreements respecting bonds of corporations. Such trust agreement may contain such provisions for protecting and enforcing the rights and remedies of the trustee and the bondholders as may be reasonable and proper and not inconsistent with the law and also provisions for approval by the original purchasers of the bonds of the employment of consulting engineers and of the security given by the bridge contractors and by any bank or trust company in which the proceeds of bonds or of bridge tolls or other moneys of the commission shall be deposited, and may provide that no contract for construction shall be made without the approval of the consulting engineers. The bridge constructed under the authority of this act shall be deemed to be an instrumentality for interstate commerce, the postal service, and military and other purposes authorized by the Government of the United States, and said bridge and the bonds issued in connection therewith and the income derived therefrom shall be exempt from all Federal, State, municipal, and local taxation. Said bonds shall be sold in such manner and at such time or times and at such price as the commission may determine, but no such sale shall be made at a price so low as to require the payment of more than 6-percent interest on the money received therefor, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, and the face amount thereof shall be so calculated as to produce, at the price of their sale, the cost of the bridge and its approaches, and the land, easements, and appurtenances used in connection therewith. The cost of the bridge shall be deemed to include interest during construction of the bridge, and all engineering, legal, architectural, traffic surveying, and other expenses incident to the construction of the bridge, and the acquisition of the necessary property, and incident to the financing thereof. If the proceeds of the bonds issued shall exceed the cost as finally determined, the excess shall be placed in the sinking fund hereinafter provided. Prior to the preparation of definitive bonds the commission may, under like restrictions, issue temporary bonds or interim certificates with or without coupons of any denomination whatsoever, exchangeable for definitive bonds when such bonds have been executed and are available for delivery.

SEC. 5. Upon the completion of such bridge, it shall be the duty of said commission, until said bridge shall be taken over or acquired by one or more governmental units as provided in this act, to supervise the collection of tolls and to authorize and audit all expenditures of money received from the collection of tolls, to see that all revenues received from the bridge, except such amounts as may be necessary for the repair, operation, and maintenance thereof, shall be paid into the sinking fund and used for the amortization of the outstanding indebtedness incurred for the construction or improvement of such bridge. After a sinking fund sufficient for such amortization shall have been provided, the bridge shall thereafter be maintained and operated free of tolls, and the commission, its successors and assigns, shall thereupon convey by proper instrument of conveyance all right, title, and interest in said bridge and its approaches to the State of Nebraska and the State of Iowa jointly upon the agreement of such States to accept and to maintain and operate such bridge as a nontoll bridge.

SEC. 6. For the purpose of carrying into effect the objects stated in this act, there is hereby created the Florence Bridge Commission, and by that name, style, and title said body shall have perpetual succession; the right to contract, sue, and defend in courts of law and equity; possess a common seal; hold title to real estate and other properties; and shall have and possess all powers necessary, convenient, or proper for carrying into effect the objects stated in this act.

The commission shall consist of one person named by the governing bodies of each of the following governmental units, to wit: Douglas County, Nebr.; city of Omaha, Nebr.; Pottawattamie County, Iowa. In the event that any of said governmental units shall fail to take the necessary action, then the person holding the office of county attorney of Douglas County, Nebr., and the person holding the office of county attorney of Pottawattamie County, Iowa, shall become members of said commission. Any vacancy occurring in said commission shall be filled by the governmental unit that made the original appointment. The members of the commission shall serve without pay but shall be reimbursed out of any funds in its hands for necessary expenses incurred in the conduct of its business. The commission may employ a secretary, treasurer, engineers, attorney, and such other experts, assistants, and employees as it may deem necessary, and fix the compensation of such persons. All expenses and salaries shall be paid solely from the funds provided under the authority of this act.

Nothing herein contained shall be construed to authorize the commission, or any member thereof, to create any obligation or incur any liability other than such obligations and liabilities as are dischargeable solely from funds provided by this act.

SEC. 7. The right to alter, amend, or repeal this act is hereby expressly reserved.

MISSISSIPPI RIVER BRIDGE, BETTENDORF, IOWA

The Senate proceeded to consider the bill (S. 3269) relating to the construction, maintenance, and operation by the city of Davenport, Iowa, of a bridge across the Mississippi River at or near Tenth Street in Bettendorf, State of Iowa, which had been reported from the Committee on Commerce with an amendment, on page 3, line 18, to strike out " 4 and 5 " and insert " 4, 5, and 6 ", so as to make the bill read:

Be it enacted, etc., That the city of Davenport, Iowa, and Davenport Bridge Commission are, and each of them is, hereby authorized to exercise all the rights, powers, and privileges conferred by the act of Congress entitled "An act authorizing B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa., their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River, at or near Tenth Street, in Bettendorf, State of Iowa ", approved May 26, 1928, and heretofore extended by acts of Congress, and the bridge constructed by said city of Davenport and said Davenport Bridge Commission, or either of them, under such authority, shall be deemed to be an instrumentality for interstate commerce, and said bridge and the approaches thereto and the revenues derived therefrom shall be exempt from all State, municipal, and local taxation.

SEC. 2. There is hereby conferred upon said city of Davenport and Davenport Bridge Commission, and each of them, the right and power to enter upon such lands and to acquire, condemn, occupy, possess, and use such real estate, including real estate devoted to park purposes, and other property in the State of Iowa and the State of Illinois as may be needed for the location, construction, operation, and maintenance of such bridge and its approaches, upon making just compensation therefor, to be ascertained and paid according to the laws of the State in which such real estate or other property is situated, and the proceedings therefor shall be the same as in the condemnation of private property for public purposes in such States, respectively.

SEC. 3. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. Sections 4, 5, and 6 of said act approved May 26, 1928, be, and the same are hereby, repealed.

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

The amendment was agreed to.

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

MISSISSIPPI RIVER BRIDGE, NEW BOSTON, ILL.

The Senate proceeded to consider the bill (H.R. 8429) to revive and reenact the act entitled "An act authorizing D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the town of New Boston, Ill.", approved March 3, 1931.

Mr. McKELLAR. Mr. President, will the Senator from Texas explain this bill?

Mr. SHEPPARD. It is one of the usual bridge bills.

Mr. McKELLAR. It revives the former act, as I understand?

Mr. SHEPPARD. It revives the former act. The persons named in the act did not take action within the time originally allowed.

Mr. McKELLAR. I understand. I have no objection.

The bill was ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the act approved March 3, 1931, granting the consent of Congress to D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation, at or near the town of New Boston, Ill., be, and the same is hereby, revived and reenacted: *Provided*, That this act shall be null and void unless the actual construction of the bridge and approaches thereto herein referred to be commenced within 1 year and completed within 3 years from the date of approval hereof.

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

ST. FRANCIS RIVER BRIDGE, LAKE CITY, ARK.

The bill (H.R. 8438) to legalize a bridge across St. Francis River at or near Lake City, Ark., was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the bridge now being constructed across St. Francis River at or near Lake City, Ark., by the Arkansas State Highway Commission, if completed in accordance with the plans accepted by the Chief of Engineers and the Secretary of War as providing suitable facilities for navigation and operated as a free bridge, shall be a lawful structure, and shall be subject to the conditions and limitations of the act entitled "An act to regulate the construction of bridges over navigable waters ", approved March 23, 1906.

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

PEARL RIVER BRIDGE, MISSISSIPPI

The bill (H.R. 8516) granting the consent of Congress to the Mississippi Highway Commission to construct, maintain, and operate a free highway bridge across the Pearl River in the State of Mississippi was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Mississippi Highway Commission to construct, maintain, and operate a free highway bridge and approaches thereto across the Pearl River, at a point suitable to the interests of navigation, at or near Carthage, Leake County, Miss., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters ", approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

WABASH RIVER BRIDGE, SULLIVAN COUNTY, IND.

The bill (H.R. 8853) to extend the time for the construction of a bridge across the Wabash River at a point in Sullivan County, Ind., to a point opposite on the Illinois shore was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge authorized by act of Congress approved February 10, 1932, to be built by Sullivan County, Ind., or any board or commission of said county which is or may be created or established for the purpose, across the Wabash River, extending from some point in the county across said river to a point opposite on the Illinois shore, are hereby extended 1 and 3 years, respectively, from the date of approval hereof.

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

BOARD OF INDETERMINATE SENTENCE AND PAROLE OF THE DISTRICT

The bill (S. 3290) to amend an act entitled "An act to establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes ", approved July 15, 1932, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the act of Congress entitled "An act to establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes ", approved July 15, 1932, be, and the same is hereby, amended by adding a new section to be numbered " 10 " and to read as follows:

" SEC. 10. The Board of Parole created by the act of Congress entitled 'An act to amend an act providing for the parole of United States prisoners, approved June 25, 1910, as amended ', approved May 13, 1930, shall have and exercise the same power and authority over prisoners convicted in the District of Columbia of crimes against the United States and now or hereafter confined in any United States penitentiary or prison (other than the penal institutions of the District of Columbia) as is vested in the Board of Indeterminate Sentence and Parole over prisoners confined in the penal institutions of the District of Columbia."

BREWER PAINT & WALL PAPER CO., INC.

The Senate proceeded to consider the bill (S. 2553) for the relief of the Brewer Paint & Wall Paper Co., Inc., which had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the words " sum of ", to

strike out "$2,223.37" and insert "$1,981.29", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Brewer Paint & Wall Paper Co., Inc., the sum of $1,981.29, in full settlement of all claims against the Government on account of extra painting work performed under contract no. W6174-qm-33, dated April 25, 1931, in connection with the construction of three barracks buildings at Langley Field, Va.

The amendment was agreed to.

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

MARTHA EDWARDS

The Senate proceeded to consider the bill (H.R. 6862) for the relief of Martha Edwards, which had been reported from the Committee on Claims with an amendment, on page 2, line 1, to strike out "Rowls" and insert "Rawls", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal guardian of Martha Edwards, of East Camp, Norfolk, Va., out of any money in the Treasury not otherwise appropriated, the sum of $3,000 in full settlement of all claims against the Government of the United States for permanent injuries sustained by her as a result of being struck by a United States naval airplane on the premises of her father at East Camp, Norfolk, Va., on October 30, 1929; and in addition, pay to the Norfolk Protestant Hospital the sum of $177, and to Dr. Julian L. Rawls the sum of $150, due them for care and attention to her as a result of said injury; *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

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

The bill was read the third time and passed.

M. AILEEN OFFERMAN

The bill (H.R. 1301) for the relief of M. Aileen Offerman was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay M. Aileen Offerman, out of any money in the Treasury not otherwise appropriated, the sum of $2,500 in full settlement of all claims against the Government of the United States for personal injuries and property damage resulting from a collision with United States truck no. 430870, at Five Corners of the Shore Highway, at Middletown, N.J., on December 4, 1930: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

LEWIS E. GREEN

The bill (H.R. 1398) for the relief of Lewis E. Green was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission is hereby authorized and instructed to receive and determine the claim of Lewis E. Green, a former employee in the United States Arsenal at Tullytown, Pa., without regard to the limitation of time within which such claims are to be filed under the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended.

AUGUSTUS THOMPSON

The bill (H.R. 4609) for the relief of Augustus Thompson was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That there shall be paid out of the contingent funds of the House to Augustus Thompson, a former member of the House Office Building police force, the sum of $2,500 in full settlement of all claims against the Government of the United States on account of personal injuries sustained by said Augustus Thompson in the House Office Building on February 27, 1930, while in the discharge of duty: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

GOTTLEIB STOCK

The bill (H.R. 4784) to reimburse Gottleib Stock for losses of real and personal property by fire caused by the negligence of two prohibition agents was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement of all claims against the Government of the United States, the sum of $3,000 to Gottleib Stock, as compensation for the total destruction of his home and personal property therein and trees and vines on the premises and other property during a fire set by the negligence of two prohibition agents in the employ of the Federal Bureau of Prohibition: *Provided*, That no part of the amount appropriated in this act, in excess of 10 percent thereof, shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

HARDEN F. TAYLOR

The bill (H.R. 4792) to authorize and direct the Comptroller General to settle and allow the claim of Harden F. Taylor for services rendered to the Bureau of Fisheries, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and allow the claim of Harden F. Taylor in the sum of $500 for services rendered to the Bureau of Fisheries in the preparation of a manuscript on the refrigeration of fish, notwithstanding provisions of existing law.

GALE A. LEE

The bill (H.R. 5936) for the relief of Gale A. Lee was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States is authorized and directed to credit the account of Gale A. Lee, postmaster at Pueblo, Colo., with the sum of $861.02, being the amount of payments made by such postmaster during the period August 16, 1930, to October 31, 1932, as compensation at 65 cents per hour to Helen G. Engle, of Pueblo, Colo., for services as a substitute postal clerk qualified as a stenographer, which amount was disallowed in his account because the employee was during the same period a clerical assistant at $1,500 per annum in the office of the deputy clerk of the United States district court at Pueblo, Colo.

DISABILITY OF SENIOR CIRCUIT JUDGES

The Senate proceeded to consider the bill (H.R. 7356) to provide in case of the disability of senior circuit judges for the exercise of their powers and the performance of their duties by the other circuit judges, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 4, after the word "illness", to insert "or other cause", so as to make the bill read:

Be it enacted, etc., That in case of the senior circuit judge of any circuit is unable because of illness or other cause to exercise any power given or to perform any duty imposed by law, such power or duty shall be exercised or performed by the other judges of that circuit in the order of the seniority of their respective commissions.

Mr. ROBINSON of Arkansas. Mr. President, I will ask the Senator from Kentucky [Mr. LOGAN], who reported the bill, to explain the facts with reference to it.

Mr. LOGAN. Mr. President, the present law authorizes the circuit judge next in seniority to preside over the court in the absence of the senior circuit judge, but there is no statutory designation of the judge who shall perform the many administrative duties of the senior circuit judge in case of the latter's disability. This bill simply authorizes the senior judge, who is by the present law authorized to preside, to perform other administrative duties. Its passage is requested by the Department of Justice, and is recommended by that Department.

Mr. ROBINSON of Arkansas. Very well, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

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

The bill was read the third time and passed.

WILLIAM G. BURRESS, DECEASED

The Senate proceeded to consider the bill (H.R. 2439) for the relief of William G. Burress, deceased, which had been reported from the Committee on Military Affairs with an amendment, on page 1, line 10, to strike out "That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act" and to insert "That no bounty, back pay, pension, or allowance shall accrue by virtue of this act prior to its passage or subsequent thereto", so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William G. Burress, who was a member of Company A, Eleventh Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 7th day of March 1897: *Provided*, That no bounty, back pay, pension, or allowance shall accrue by virtue of this act prior to its passage or subsequent thereto.

The amendment was agreed to.

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

The bill was read the third time and passed.

LOUISE FOX

The bill (S. 1198) for the relief of Louise Fox was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Louise Fox, widow of William C. Fox, late minister to Ecuador, the sum of $10,000, being 1 year's salary of her deceased husband, who died of illness incurred while in the Consular Service; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this act.

ANNE B. SLOCUM

The bill (S. 1199) for the relief of Anne B. Slocum was announced as next in order.

The PRESIDING OFFICER. This bill is the same as Order of Business 766, House bill 210. Without objection, the House bill will be substituted for the Senate bill.

The Senate proceeded to consider the bill (H.R. 210) for the relief of Anne B. Slocum, which was ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Anne B. Slocum, widow of Clarence Rice Slocum, late American Consul at Fiume, the sum of $3,500, being one year's salary of her deceased husband, who died while in the Foreign Service; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this act; *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The PRESIDING OFFICER. Without objection, Senate bill 1199 will be indefinitely postponed.

AUGUSTUS C. HENSLEY

The bill (S. 2909) for the relief of Augustus C. Hensley was considered, order to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of the pension laws and laws conferring rights upon honorably discharged soldiers, their widows, and dependent relatives, Augustus C. Hensley, late of Company K, Eleventh Regiment Missouri Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged on September 1, 1864, from the military service of the United States as a private of said company: *Provided*, That no back pay, pension, bounty, or allowance shall be held to have accrued prior to the passage of this act.

FIRE ESCAPES IN THE DISTRICT OF COLUMBIA

The bill (S. 2623) to amend the act entitled "An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes", approved March 19, 1906, as amended, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the act entitled "An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes", approved March 19, 1906, as amended, is amended to read as follows:

"That it shall be the duty of the owner entitled to the beneficial use, rental, or control of any building three or more stories in height, constructed or used or intended to be used as an apartment house, tenement house, flat, rooming house, lodging house, hotel, hospital, seminary, academy, school, college, institute, dormitory, asylum, sanitarium, hall, place of amusement, office building, or store, or of any building three or more stories in height, or over 30 feet in height, other than a private dwelling, in which sleeping quarters for the accommodation of 10 or more persons are provided above the first floor, to provide and cause to be erected and fixed to every such building one or more suitable fire escapes, connecting with each floor above the first floor by easily accessible and unobstructed openings, in such location and numbers and of such material, type, and construction as the Commissioners of the District of Columbia may determine; except that buildings designed and built as single-family dwellings, and converted to use as apartment houses, in which not more than three families reside, including the owner or lessee, or rooming houses in which sleeping accommodations are provided for less than 10 persons above the first floor, not more than 3 stories, nor more than 40 feet in height, and having a total floor area not more than 3,000 square feet above the first floor, shall be exempted from the provisions of section 1 of this act; and except that buildings used solely as apartment houses, not more than 3 stories, nor more than 40 feet in height, so arranged that not more than 5 apartments per floor open directly, without an intervening hall or corridor, on a fire-resistive stairway, 3 feet or more in width, enclosed with masonry walls in which fire-resistive doors are provided at all openings, shall be exempted from the provisions of this section.

"SEC. 2. It shall be the duty of the owner entitled to the beneficial use, rental, or control of any building already erected, or which may hereafter be erected, in which 10 or more persons are employed at the same time in any of the stories above the second story, except three-story buildings used exclusively as stores or for office purposes, and having at least two stairways from the ground floor each 3 or more feet wide and separated from each other by a distance of at least 30 feet, from one of which stairways shall be easy access to the roof, to provide and cause to be erected and affixed thereto a sufficient number of the aforesaid fire escapes, the location and number of the same to be determined by the Commissioners, and to keep the hallways and stairways in every such building as is used and occupied at night properly lighted, to the satisfaction of the Commissioners, from sunset to sunrise.

"SEC. 3. It shall be the duty of the owner entitled to the beneficial use, rental, or control of any building used or intended to be used as set forth in section 1 of this act where fire escapes are required, or any building in which 10 or more persons are employed, as set forth in section 2 of this act where fire escapes are required, also to provide, install, and maintain therein proper and sufficient guide signs, guide lights, exit lights, hall and stairway lights, standpipes, fire extinguishers, and alarm gongs and striking stations in such locations and numbers and of such type and character as the Commissioners may determine; except that in buildings less than six stories in height, standpipes will not be required when fire extinguishers are installed in such numbers and of such type and character as the Commissioners may determine.

"SEC. 4. The Commissioners are hereby authorized and directed to issue such orders and to adopt and enforce such regulations not inconsistent with law as may be necessary to accomplish the

purposes and carry into effect the provisions of this act, and to require any alterations or changes that may become necessary in buildings now or hereafter erected, in order properly to locate or relocate fire escapes, or to afford access to fire escapes, and to require any changes or alterations in any building that may be necessary in order to provide for the erection of additional fire escapes, or for the installation of other appliances required by this act, when in the judgment of the Commissioners such additional fire escapes or appliances are necessary.

"SEC. 5. Each elevator shaft and stairway extending to the basement of the buildings heretofore mentioned shall terminate in a fireproof compartment or enclosure separating the elevator shaft and stairs from other parts of the basement, and no opening shall be made or maintained in such compartment or enclosure unless the same be provided with fireproof doors.

"Such buildings as are used solely for office buildings above the second floor and defined under the building regulations of the District of Columbia to be fireproof are exempted from the requirements of this act as to fire escapes, guide signs, and alarm gongs; but when the face of a wall of any such fireproof building is within 30 feet of a combustible building or structure, or when the side or sides, front or rear of such building or structure faces within 30 feet of a combustible building, or contains a light or air shaft or similar recess within 30 feet of a combustible building, then each and every window or opening in said wall or walls shall be protected from fire by automatic iron shutters or wire glass in fireproof sash and frames.

"SEC. 6. It shall be unlawful to obstruct any hall, passageway, corridor, or stairway in any building enumerated in this act with baggage, trunks, furniture, cans, or with any other thing whatsoever.

"SEC. 7. No door or window leading to any fire escape shall be covered or obstructed by any fixed grating or barrier, and no person shall at any time place any incumbrance or obstacle upon any fire escape or upon any platform, ladder, or stairway leading to or from any fire escape.

"SEC. 8. Any person failing or neglecting to provide fire escapes, guide signs, guide lights, exit lights, hall and stairway lights, standpipes, fire extinguishers, alarm gongs, and striking stations, or other appliances required by this act after notice from the Commissioners so to do, shall, upon conviction thereof, be punished by a fine of not less than $10 nor more than $100, and shall be punished by a further fine of $5 for each day that he fails to comply with such notice. Any person violating any other provision of this act or regulations promulgated hereunder shall be punished, upon conviction thereof, by a fine of not less than $10 nor more than $100 for each offense.

"SEC. 9. The notice from the Commissioners requiring the erection of fire escapes and other appliances enumerated in this act shall specify the character and number of fire escapes or other appliances to be provided, the location of the same, and the time within which said fire escapes or other appliances shall be provided, and in no case shall more than 90 days be allowed for compliance with said notice unless the Commissioners shall, in their discretion, deem it necessary to extend their time.

"SEC. 10. Such notice shall be deemed to have been served if delivered to the person to be notified, or if left with any adult person at the usual residence or place of business of the person to be notified in the District of Columbia, or if no such residence or place of business can be found in said District by reasonable search, if left with any adult person at the office of any agent of the person to be notified, provided such agent has any authority or duty with reference to the building to which said notice relates, or if no such office can be found in said District by reasonable search if forwarded by registered mail to the last-known address of the person to be notified and not returned by the post-office authorities, or if no address be known or can by reasonable diligence be ascertained, or if any notice forwarded as authorized by the preceding clause of this section be returned by the post-office authorities, if published on 10 consecutive days in a daily newspaper published in the District of Columbia, or if by reason of an outstanding unrecorded transfer of title the name of the owner in fact cannot be ascertained beyond a reasonable doubt, if served on the owner of record in the manner hereinbefore in this section provided, or if delivered to the agent, trustee, executor, or other legal representative of the estate of such person. Any notice to a corporation shall, for the purposes of this act, be deemed to have been served on such corporation if served on the president, secretary, treasurer, general manager, or any principal officer of such corporation in the manner hereinbefore provided for the service of notices on natural persons holding property in their own right, and notice to a foreign corporation shall, for the purposes of this act, be deemed to have been served if served on any agent of such corporation personally, or if left with any person of suitable age and discretion residing at the usual residence or employed at the usual place of business of such agent in the District of Columbia: *Provided*, That in case of failure or refusal of the owner entitled to the beneficial use, rental, or control of any buildings specified in this act to comply with the requirements of the notice provided for in section 9, the Commissioners are hereby empowered and it is their duty to cause such erection of fire escapes and other appliances mentioned in the notice provided for, and they are hereby authorized to assess the costs thereof as a tax against the buildings on which they are erected and the ground on which the same stands, and to issue tax-lien certificates against such building and grounds for the amount of such assessments, bearing interest at the rate of 10 percent per annum, which certificates may be turned over by the Commissioners to the contractor for doing the work.

"SEC. 11. The Supreme Court of the District of Columbia, in term time or in vacation, may, upon a petition of the District of Columbia, filed by its said Commissioners, issue an injunction to restrain the use or occupation of any building in the District of Columbia in violation of any of the provisions of this act.

"SEC. 12. As used in this act—

"(a) The terms 'apartment house', 'tenement house', and 'flat' mean a building in which rooms in suites are provided for occupancy by three or more families.

"(b) The term 'rooming house' means a building in which rooms are rented and sleeping quarters provided to accommodate 10 or more persons, not including the family of the owner or lessee.

"(c) The term 'lodging house' means a building in which sleeping quarters are provided to accommodate 10 or more transients.

"(d) The term 'hotel' means a building in which meals are served and rooms are provided for the accommodation of 10 or more transients.

"(e) The term 'elevator shaft' includes a dumbwaiter shaft.

"(f) The term 'fire escape' means an exterior open stairway or arrangement of ladders constructed entirely of incombustible materials and of approved design, or an interior or exterior stairway of fire-resistive construction with enclosing walls of masonry with fire-resistive doors and windows.

"(g) The term 'standpipe' means a vertical iron or steel pipe provided with hose connections and valves, so arranged as to supply water for fire-fighting purposes.

"(h) The terms 'fireproof' and 'fire-resistive' have the same meaning as is ascribed to the term 'fire-resistive' in the Building Code of the District of Columbia.

"SEC. 13. All acts or parts of acts inconsistent with this act are hereby repealed."

CARLSBAD CAVERNS NATIONAL PARK

The bill (H.R. 5397) to authorize the exchange of the use of certain Government land within the Carlsbad Caverns National Park for certain privately owned land therein, was considered, ordered to a third reading, read the third time, and passed.

WABASH RIVER BRIDGE, INDIANA

The bill (H.R. 8834) authorizing the owners of Cut-Off Island, Posey County, Ind., to construct, maintain, and operate a free highway bridge or causeway across the old channel of the Wabash River, was considered, ordered to a third reading, read the third time, and passed.

LUCY COBB STEWART

The bill (S. 3026) for the relief of Lucy Cobb Stewart, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lucy Cobb Stewart, widow of Nathaniel B. Stewart, late consul general at Barcelona, the sum of $9,000, such sum representing 1 year's salary of her deceased husband, who died while at his post of duty.

CONDEMNATION OF LAND BY THE UNITED STATES

The bill (S. 3303) to provide for the expeditious condemnation and taking of possession of land by officers, agencies, or corporations of the United States authorized to acquire real estate by condemnation in the name of or for the use of the United States for the construction of public works now or hereafter authorized by Congress was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That for the purpose of expediting the actual construction of public works now or hereafter authorized by Congress, with a view to eliminating unnecessary delay in the institution of such proceedings and in acquiring possession of land for such works and in increasing immediate employment thereon, any officer, agency, or corporation of the United States authorized to acquire real estate (hereinafter referred to as "condemnor") in the name of or for the use of the United States for such public works, shall, upon the filing of any petition for condemnation of any land or interest therein for such public works, have the right to take immediate possession of said lands, easements, or rights-of-way, to the extent of the interest to be acquired, and proceed with such public works thereon as have been authorized by Congress: *Provided*, That the court shall have power to fix the time within which and the terms upon which the parties in possession shall be required to surrender possession to the petitioner of all land (a) within 300 feet of dwellings and other structures actually and substantially in use or (b) actually used for agricultural purposes other than forestry or timber: *Provided further*, That certain and adequate provision shall have been made for the payment of just compensation to the party or parties entitled thereto, either by previous appropriation by the United States or by the

deposit of moneys or other form of security by the condemnor in such amount and form as shall be approved by the court in which such proceedings shall be instituted. The respondent or respondents may move at any time in the court to increase or change the amounts or securities, and the court shall make such order as shall be just in the premises, and as shall adequately protect the respondents. In every case the proceedings in condemnation shall be diligently prosecuted on the part of the condemnor in order that such compensation may be promptly ascertained and paid.

SEC. 2. In the institution of any such proceeding for condemnation, it shall be sufficient if the petition describes the land to be acquired by the external boundaries of the area to be taken and joins as parties to such proceeding only such persons who are in actual possession of such land or who are actually known to the condemnor to have any interest therein: *Provided*, That prior to the commencement of any hearing for the determination of the amount of just compensation to be paid in respect of the taking of any tract of land within such area, such petition may be amended to describe such tract in manner sufficient for the identification thereof, and all persons who shall have been found to have an interest in such tract shall be given notice of such proceeding.

SEC. 3. The provisions of this act shall not be construed to be in substitution for, but shall be alternative or supplemental to, any method of acquiring land or interests therein or possession thereof provided by law.

BILL PASSED OVER

The bill (H.R. 7581) to authorize a board composed of the President, the Secretary of the Treasury, the Secretary of Commerce, and the Secretary of Agriculture to negotiate with foreign buyers with the view of selling American agricultural surplus products at the world market price and to accept in payment therefor silver coin or bullion at such value as may be agreed upon, which shall not exceed 25 percent above the world market price of silver, and to authorize the Secretary of the Treasury to issue silver certificates based upon the agreed value of such silver bullion or coin in payment for the products sold, and for other purposes, was announced as next in order.

Mr. FESS. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

RIFLE RANGES FOR THE ARMY

The Senate proceeded to consider the bill (S. 2130) to authorize an appropriation for the purchase of land in Wyoming for use as rifle ranges for the Army of the United States, which had been reported by the Committee on Military Affairs with amendments, on page 1, line 3, to strike out "$13,000" and to insert in lieu thereof "$16,000"; on line 6, to strike out "one thousand two hundred and eighty" and to insert in lieu thereof the words "one thousand six hundred", so as to make the bill read:

Be it enacted, etc., That a sum not to exceed $16,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of 1,600 acres of land adjacent to Fort Francis E. Warren in the State of Wyoming for use of the United States Army for rifle-range purposes. All purchase of land under this act shall be made by the Secretary of War pursuant to law governing the acquisition of land for the use of the Army of the United States.

The amendments were agreed to.

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

FRED HERRICK

The Senate proceeded to consider the bill (S. 250) for the relief of Fred Herrick.

Mr. McKELLAR. Mr. President, will not the Senator from Oregon explain this bill?

Mr. STEIWER. Mr. President, a similar bill for the relief of Mr. Herrick was introduced in an earlier Congress, but met with an adverse report, due partly to the form of the bill itself. The bill was then redrawn in order to meet the requirements of the Department, and it is no longer a claim bill, but is merely a bill to provide a payment in recognition of work performed by Mr. Herrick, of which work the Government obtained the benefit. There is a proviso at the end of the bill that Mr. Herrick, upon acceptance of this money, shall waive any claim he might have against the United States.

The facts are summarized in the report. An examination will disclose that Mr. Herrick entered into a contract with the Government under which he built railroad, logging roads, and partially constructed a sawmill. His total expenditures under the contract amounted to approximately $1,000,000.

Subsequently Mr. Herrick was overtaken with difficulties and was unable to complete his contract within the time set by the contract. Thereupon the Bureau of Forestry, acting under a provision of the contract, canceled the contract, and the Government became the beneficiary of all expenditures and improvements made by Mr. Herrick. The timber had been sold to Mr. Herrick at the price of $2.80 per thousand, and on the resale to another concern a higher price was obtained, yielding a net profit to the Government on the sale of the stumpage. The increased price obtained from the resale was undoubtedly due to the improvements made by Mr. Herrick.

Mr. Herrick is now a very old man, he is ill, he is bankrupt, and in justice this restitution should be made to him.

The committee reported the bill unanimously after full consideration of the facts.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Fred Herrick, of Spokane, Wash., the sum of $50,000 in recognition of work done by the said Fred Herrick in making more accessible the timber resources of the Malheur National Forest by railroad construction: *Provided*, That the said Fred Herrick shall disclaim and waive all right or claim to any money paid by him and covered into the Treasury in connection with that certain contract for the purchase of timber on the Malheur National Forest, Oreg., dated June 15, 1923.

EDNA B. WYLIE

The bill (H.R. 1362) for the relief of Edna B. Wylie was considered, ordered to a third reading, read the third time, and passed.

EDWARD V. BRYANT

The bill (H.R. 2169) for the relief of Edward V. Bryant was considered, ordered to a third reading, read the third time, and passed.

GLENNA F. KELLEY

The Senate proceeded to consider the bill (H.R. 1197) for the relief of Glenna F. Kelley, which had been reported by the Committee on Claims with an amendment, on page 1, line 3, to strike out the words "Postmaster General" and to insert in lieu thereof the words "Comptroller General of the United States", so as to make the bill read:

Be it enacted, etc., That the Comptroller General of the United States is authorized and directed to credit the accounts of Glenna F. Kelley, postmaster at Goreville, Ill., in the sum of $48.34. Such sum represents the amount of a deficit in the accounts of the said Glenna F. Kelley, caused by the loss by said Glenna F. Kelley of postal funds deposited in the First National Bank of Goreville, Ill., which failed December 30, 1930.

The amendment was agreed to.

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

The bill was read the third time and passed.

R. GILBERTSEN

The Senate proceeded to consider the bill (H.R. 1211) for the relief of R. Gilbertsen, which had been reported from the Committee on Claims with an amendment, on page 1, line 3, to strike out the words "Postmaster General" and to insert in lieu thereof the words "Comptroller General of the United States", so as to make the bill read:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the accounts of R. Gilbertsen, postmaster at Glenburn, N.Dak., in the sum of $250.30 due the United States, on account of the loss of postal funds resulting from the failure of the Glenburn State Bank of Glenburn, N.Dak.: *Provided*, That the said R. Gilbertsen shall assign to the United States any and all claims he may have to dividends arising from the liquidation of said bank.

The amendment was agreed to.

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

The bill was read the third time and passed.

MARIE TOENBERG

The Senate proceeded to consider the bill (H.R. 1212) for the relief of Marie Toenberg, which had been reported from the Committee on Claims with an amendment, on page 1, line 3, to strike out the words "Postmaster General" and to insert in lieu thereof the words "Comptroller General of the United States", so as to make the bill read:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the accounts of Marie Toenberg, postmaster at Alexander, N.Dak., in the sum of $239.89 due the United States, on account of the loss of postal funds resulting from the failure of the First National Bank of Alexander, Alexander, N.Dak.: *Provided*, That the said Marie Toenberg shall assign to the United States any and all claims she may have to dividends arising from the liquidation of said bank.

The amendment was agreed to.

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

The bill was read the third time and passed.

EMMA FEIN

The Senate proceeded to consider the bill (S. 1633) for the relief of Emma Fein, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "$5,000" and to insert in lieu thereof "$3,500 in full settlement of all claims against the Government", and to add a proviso at the end of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Emma Fein, widow of John W. Fein, the sum of $3,500 in full settlement of all claims against the Government as compensation for the death of her husband, who died as a result of injuries received on July 17, 1913, while employed in the Isthmian Canal Commission blacksmith shop at Pedro Miguel, Canal Zone: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

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

Mr. ROBINSON of Arkansas. Mr. President, I ask that the report on the bill just passed be printed in the RECORD in conjunction with the action of the Senate.

There being no objection, the report (No. 705) was ordered to be printed in the RECORD, as follows:

[S.Rept. No. 705, 73d Cong., 2d sess.]

Mr. BAILEY, from the Committee on Claims, submitted the following report (to accompany S. 1633):

The Committee on Claims, to whom was referred the bill (S. 1633) for the relief of Emma Fein, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendments:

In line 6, strike out the figures "$5,000" and insert in lieu thereof "$3,500 in full settlement of all claims against the Government."

At the end of the bill add the following:

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

The bill, as amended, provides for the payment of $3,500 to Emma Fein, widow of John W. Fein, as compensation for the death of her husband, who died as a result of injuries received on July 17, 1913, while employed in the Isthmian Canal Commission blacksmith shop at Pedro Miguel, Canal Zone.

The records of the Panama Canal show that Mr. Fein was employed by the mechanical division as a blacksmith at 70 cents per hour; that on July 17, 1913, while working at a vise in the blacksmith shop at Pedro Miguel, Canal Zone, a locomotive was accidentally pushed off end of track, struck Mr. Fein, knocked him down, and he received a crushing injury to right foot and Pott's fracture, which resulted in amputation of distal half of right foot.

Mr. Fein filed claim for compensation under the act of May 30, 1908, as amended March 4, 1911; his claim was approved and payment made for the period from July 16, 1913, to July 16, 1914, in the sum of $1,737.60. (This law provided for the payment of 1 year's salary.)

Under date of January 29, 1916, Mr. Fein made the following statement:

"* * * I am crippled for life and will never again be able to work for my living, from the fact that my foot is still an open wound, bleeding, emission of pus, and high fevers. If I stand on it for more than 20 minutes, there is intense suffering, and I cannot walk at all without the use of a heavy cane."

On January 26, 1916, his doctor stated:

"* * * I have just made a visit to his home, and the examination made today discloses conditions about the same—abnormal tenderness and sensitiveness around the stump, two small sore and raw areas, and some suppuration from two fistulous openings. In my opinion there is evidently some bone necrosis as well as the unhealed stump, and I believe his disability to be practically permanent. Mr. Fein's general health has suffered from this accident on account of the fact that he was a particularly active man, and since the accident has been unable to get out and do anything for himself. The confinement and lack of exercise has worn on him very much both mentally and physically."

Mr. Fein died November 6, 1919.

Dr. Carmichael, of Little Rock, says:

"In my opinion the injury which he (Mr. Fein) received while in the employment of the Government in Panama was the cause of his death, as the medullary substance of the tibia was involved."

General Goethals, then Governor of the Canal Zone, stated:

"The case is only one of scores that have come to my notice within the past few years in which it appears to me that the compensation provided by law is quite inadequate. I have no objection to being quoted in this regard * * *."

Bills for the relief of John W. Fein and for the relief of his widow have been introduced in nine prior Congresses. The first bill was in the Sixty-fourth Congress, introduced March 29, 1916.

Mr. Fein left a widow, 3 daughters, and 1 son.

The facts are fully set forth in the following correspondence, which is appended hereto and made a part of this report.

THE PANAMA CANAL, WASHINGTON OFFICE,
Washington, D.C., March 31, 1916.

Hon. N. P. BRYAN,
Chairman Committee on Claims, United States Senate,
Washington, D.C.

SIR: I have the honor to acknowledge the receipt of your letter of the 30th instant, enclosing a copy of Senate bill 5314, for the relief of John W. Fein, and requesting a report thereon.

In reply there is enclosed herewith a copy of a letter addressed to this office by the auditor of the Panama Canal, dated January 13, 1916, reporting on House bill 5203, which bill appears to be identical with the one enclosed with your communication. The auditor's letter is self-explanatory, and shows that Mr. Fein has received all the compensation which the Panama Canal authorities were by law authorized to pay to him on account of his injury.

Very respectfully,

EARL I. BROWN,
Major Corps of Engineers, United States Army,
Chief of Office.

CANAL ZONE ACCOUNTING DEPARTMENT,
Balboa Heights, January 13, 1916.

Maj. F. C. BOGGS,
Chief of Office, the Panama Canal, Washington, D.C.

SIR: Referring to bill H.R. 5203, for the relief of Mr. John W. Fein, you are advised as follows:

The records show that Mr. Fein was employed by the mechanical division as a blacksmith at 70 cents per hour; that on July 17, 1913, while working at a vise in the blacksmith shop at Pedro Miguel, Canal Zone, a locomotive was accidentally pushed off end of track, struck Mr. Fein, knocked him down, and he received a crushing injury to right foot and Pott's fracture; which resulted in amputation of distal half of right foot.

Mr. Fein filed claim for compensation under the act of May 30, 1908, as amended March 4, 1911; his claim was approved and payment made for the period from July 16, 1913, to July 16, 1914, in the sum of $1,737.60.

Respectfully,

H. A. A. SMITH,
Auditor Panama Canal.

ISTHMIAN CANAL COMMISSION—REPORT OF ACCIDENT INVOLVING PERSONAL INJURY

Name of injured person in full, John W. Fein; nationality, American; place of birth, Brockenhaven, Germany; age, 60; sex, male; color, white; married; occupation, blacksmith; address on

Isthmus, Pedro Miguel, Canal Zone; other address (if any), no other; name and address of relative or friend, and how related to injured person, Mrs. Emma Fein, wife, Pedro Miguel, Canal Zone; rating, I.C.C., blacksmith, mechanical division, M.C. no. 37632; superior, A. L. Robinson, master mechanic; date and hour of accident, July 17, 1913, 4:18 a.m.; exact locality of accident, I.C.C. blacksmith shop, Pedro Miguel, Canal Zone.

Cause and nature of accident (describe fully): Mr. Fein was working at his anvil, which is located just inside the south end of the shop and about 10 feet from the end of the drop-pit track. A dead engine, no. 57, was standing on the end of the drop-pit track, with the tender toward Mr. Fein, and the switch leading from the coal-and-sand-chute track was open. A night hostler, J. Q. Aycock, white American, using the rear engine, pushed three others north on the coal-and-sand-chute track for coal and sand and, not knowing that the drop-pit track switch was open, ran in and struck no. 57 and knocked it back on Mr. Fein's anvil so suddenly that he had no opportunity to get out of the way and was caught under the tender, receiving the stated injuries.

On investigation it is learned that Hostler John T. Wilson put engine no. 57 on the drop-pit track about 30 minutes before the accident and, following yard custom, left the switch open. Mr. Aycock, who, had he followed yard rules, should have been on the leading engine of the four he was moving, explains that they were all dead except the one in rear and that owing to steam escaping from engines on a parallel track near the switch he was unable to see the switch light which was set against him (showing red), and did not know that he was on the drop-pit track until his leading engine struck no. 57. Aycock's brakeman, Julian Grant, M.C. no. 3892, who should have been on the lookout on the leading engine, disappeared immediately after the accident and has not returned.

Nature of injury sustained, crushed foot, right. Witnesses (state names, addresses, and occupations), J. Q. Aycock, Pedro Miguel, Canal Zone, night hostler, M.C. no. 136491; Thomas McCulloch, Empire, Canal Zone, machinist, M.C. no. 38342; to what hospital taken, Ancon Hospital, Ancon, Canal Zone; attending physician (name and address), Dr. T. W. Erhart, I.C.C., Ancon Hospital; did injury result in death (if so, state time, date, and place)? No.

Dated at Pedro Miguel, Canal Zone, this 18th day of July 1913.

JACK PHILLIPS,
Lieutenant No. 2, Zone Police, District Commander.

HEADQUARTERS, DIVISION OF POLICE AND PRISONS,
ANCON, CANAL ZONE, *July 21, 1913.*

Official copy respectfully referred to chairman and chief engineer, Culebra, Canal Zone, for his information.

C. W. BARBER, *Chief of Division.*

ISTHMIAN CANAL COMMISSION—STATEMENT OF WITNESS TO ACCIDENT

Name of injured person in full, John W. Fein; date of accident, July 17, 1913; place of accident, Pedro Miguel, Canal Zone; name of witness, Thomas McCulloch; nationality of witness, American; residence of witness on Isthmus, Empire; rating, I.C.C. machinist, mechanical division; metal check no. 38342.

Statement: Mr. Fein and I were at work together when engine no. 57 was pushed up into the blacksmith shop and caught him before he could get away. Myself, being on the outside, and nothing in my way, was able to get out of the way by crawling on my hands and knees and not taking the time to get up.

Dated at Pedro Miguel, Canal Zone, this 18th day of July 1913.

I certify that the above is a true statement of the facts as witnessed by me.

THOMAS MCCULLOCH.

Witness of signature:
LEO. A. MCINTIRE,
Sergeant, No. 18, Zone Police.

ISTHMIAN CANAL COMMISSION—STATEMENT OF WITNESS TO ACCIDENT

Name of injured person in full, John W. Fein; date of accident, July 17, 1913; place of accident, Pedro Miguel; name of witness, J. Q. Aycock; nationality of witness, American; residence of witness on Isthmus, Pedro Miguel; rating, I.C.C. night hostler, Pedro Miguel; M.C. no. 136491.

Statement: I was hostler in charge of engines 281, 252, 206, and 229 at Pedro Miguel shop on July 17. Taking these engines to coal chute to give them coal and sand, engine 281 was the only engine that had enough steam to handle engines. So I was on it and had the negro brakeman on back end of engine 229 and told him to look out for the rear end and not let me back into anything, and he got off and didn't throw the switch to drop it, and I backed in on engines 59 and 57 that were on drop track, and it pushed engine 57 back, and it is the one that hurt John Fein.

Dated at Pedro Miguel, Canal Zone, this 18th day of July 1913.

I certify that the above is a true statement of the facts as witnessed by me.

J. Q. AYCOCK.

Witness of signature:
JOHN M. DAVIS,
Corporal No. 12, Zone Police.

THE PANAMA CANAL,
Balboa Heights, October 7, 1914.

Mr. JOHN W. FEIN,
Little Rock, Ark.

SIR: I beg to acknowledge the receipt of your letter of September 16 with regard to your physical condition.

Under date of September 12 the claim officer advised you that all the injury compensation allowed by law had been paid to you. The only way, therefore, by which it would be possible for you to receive additional compensation would be the approval by Congress of a special claim for your relief.

Inquiries have been made with the end in view of finding a position on the Isthmus where the nature of the work would permit of your reemployment, but without success, and I regret very much that the gradual completion of the work here and the general reduction of force which is in progress militate against your reinstatement in this service at the present time.

Respectfully,

GEO. W. GOETHALS, *Governor.*

THE PANAMA CANAL,
Balboa Heights, October 31, 1914.

Miss MARY A. FEIN,
Little Rock, Ark.

MADAM: In reply to your letter of October 16, 1914, you are informed that there is very little on our files concerning the injury sustained by your father, Mr. John W. Fein, which is not already in his possession. The police report of the accident states that it occurred on July 17, 1913, at about 4:18 a.m. in the Isthmian Canal Commission blacksmith shop at Pedro Miguel, Canal Zone. The following is an extract from the police report:

"Mr. Fein was working at his anvil, which is located just inside the south end of the shop and about 10 feet from the end of the drop-pit track. A dead engine, no. 57, was standing on the end of the drop-pit track, with the tender toward Mr. Fein, and the switch leading from the coal-and-sand-chute track was open. A night hostler, J. Q. Aycock, white American, using the rear engine, pushed three others north on the coal-and-sand-chute track for coal and sand, not knowing that the drop-pit track switch was open, and ran in and struck no. 57 and knocked it back on Mr. Fein's anvil so suddenly that he had no opportunity to get out of the way and was caught under the tender, receiving the stated injuries.

"On investigation it is learned that hostler John T. Wilson put engine no. 57 on the drop-pit track about 30 minutes before the accident and, following yard custom, left the switch open. Mr. Aycock, who, had he followed yard rules, should have been on the leading engine of the four he was moving, explains that they were all dead except the one in the rear, and that owing to steam escaping from engines on a parallel track near the switch he was unable to see the switch light was set against him (showing red), and did not know that he was on the drop-pit track until his leading engine struck no. 57.

"Aycock's brakeman, Julian Grant, M.C. No. 3892, who should have been on the lookout on the leading engine, disappeared immediately after the accident and has not returned."

The medical reports show that all the toes of the right foot were amputated; that the foot was mashed, with laceration at the right elbow, Pott's fracture. On December 1, 1913, the surgeon at the hospital, Dr. A. B. Herrick, certified that the amputation was in the fore part of the right foot through the proximal metatarsals, and that the subjective symptoms were a very tender and painful stump. On April 1, 1914, he reported "tender stump with ulcerating cicatrix; pain and pressure over stump; disability partial permanent." On May 1, 1914, the surgeon reported "tender stump with ulcerating cicatrix." This report was iterated on June 1, 1914, and reiterated on July 1 and July 31, 1914.

The record noted above is all the information we have concerning your father's injury. The case is only one of scores that have come to my notice within the past few years in which it appears to me that the compensation provided by law is quite inadequate. I have no objection to being quoted in this regard, if it will assist you in any way in obtaining further compensation for your father.

Respectfully,

GEO. W. GOETHALS, *Governor.*

LITTLE ROCK, ARK., *January 26, 1916.*

Hon. H. M. JACOWAY,
Member of Congress, Washington, D.C.

DEAR SIR: With reference to the case of John W. Fein, beg to advise that Mr. Fein first consulted me on May 15, 1914. The cause of consultation was an unhealed amputation wound of the right foot. The stump was very tender and the skin had come away in several places and there was an exudation of pus from, at that time, rather deep-seated cavities.

I was at that time of the opinion that the chief cause of this wound not healing was in the skin, part of which had been lost and only a partially successful skin graft emplanted.

Since that time, whenever Mr. Fein uses that foot to any extent, in spite of the fact that all possible paddings and precautions are used, this skin breaks down and suppurates.

I have just made a visit at his home, and the examination made today discloses conditions about the same, abnormal tenderness and sensitiveness around the stump, two small sore and raw areas, and some suppuration from two fistulous openings.

In my opinion, there is evidently some bone necrosis as well as the unhealed stump, and I believe his disability to be practically permanent.

Mr. Fein's general health has suffered from this accident on account of the fact that he was a particularly active man, and since the accident has been unable to get out and do anything for himself. The confinement and lack of exercise has worn on him very much both mentally and physically.

Respectfully,

MILTON VAUGHAN, M.D.

LITTLE ROCK, ARK., *January 29, 1916.*

To the Members of Congress, Washington, D.C.

GENTLEMEN: I take the liberty of dictating the following statement in connection with my claim, H.R. 20754, in order to give facts upon which you may work:

I received official orders from the Washington offices of the Chief Engineer of the Commission to report for duty at Colon, on September 22, 1906, and my services began on October 11, 1906. From that date I worked steadily, with the exception of one vacation, until July 17, 1913, on which date, about 4:30 o'clock in the morning I was run down by an engine while at my post of duty in the shops at Pedro Miguel.

This accident occurred without any warning whatever. I was absolutely without means of protection; in other words, there was nothing to prevent an engine from running through the shops. The stopping post had been removed, for reasons unknown to the writer.

After the accident, the Commission and surgeons did everything that could be done for one so broken up and bruised, as far as authorized by Congress. During the long months of illness that followed, I received good nursing and later was given an artificial extension to my foot.

But for all this, I am crippled for life and will never again be able to work for my living, from the fact that my foot is still an open wound, bleeding, emission of pus, and high fevers. If I stand on it for more than 20 minutes, there is intense suffering, and I cannot walk at all without the use of a heavy cane. On account of the long confinement on the Isthmus, and since at home in Little Rock, my health and strength have left me and I am indeed a very weak man. Since my arrival at Little Rock on May 10, 1914, I have been under constant care of Dr. Milton Vaughan, an ex-Government surgeon, and it has now cost me much of the money I earned in Panama to meet expenses incident to such a condition, and unless I get relief in the very near future, what little I have left will soon be gone also.

I have a young son that I am trying to educate, and unless financial relief is received the boy will have to be taken from school and prospects of an education abandoned.

I do not believe it is the spirit of our Congressmen to turn down the appeal of a man who has given his best efforts for over 7 years in assisting to build the Canal; therefore, I ask that I be given relief in Congress, this request being made as per instructions of Colonel Goethals contained in his letter attached to this file.

In conclusion, I wish to state that I have in my possession copies of every business transaction that has ever occurred between the writer and the Commission, which are at your disposal, if needed.

During my long service on the Isthmus, I never received a reprimand from my superiors and was never absent from my work except when confined to my bed in the hospital there with an attack of malaria.

My entire record is on file in the office of the Commission at Washington and open for your inspection at any time.

Very respectfully,

JOHN W. FEIN, No. 37632.

LITTLE ROCK, ARK., *July 27, 1921.*

Mr. JACOWAY,

House of Representatives, Washington, D.C.

DEAR MR. JACOWAY: In regard to the cause of the death of John W. Fein, will state that, in my opinion, the injury which he received while in the employment of the Government in Panama was the cause of his death, as the medullary substance of the tibia was involved.

Yours truly,

A. L. CARMICHAEL, M.D.

This sworn to by me the 27th day of July 1921.

A. L. CARMICHAEL, M.D.

C. A. DICKSON

The Senate proceeded to consider the bill (H.R. 916) for the relief of C. A. Dickson, which had been reported from the Committee on Claims with amendments, on page 1, line 3, to strike out the words, "Postmaster General" and to insert in lieu thereof the words, "Comptroller General of the United States", and on line 6, to strike out the words "and to certify such credit to the Comptroller General", so as to make the bill read:

Be it enacted, etc., That the Comptroller General of the United States is authorized and directed to credit the account of C. A. Dickson, postmaster at Cleburne, Tex., in the sum of $72.45. Such sum represents the amount of United States postal funds lost by reason of the failure of the Home National Bank and the Farmers & Merchants National Bank of Cleburne, Tex., and charged in the account of the said postmaster as a balance due the United States after the payment of final dividends in respect of such deposits.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RELIEF OF ARMY DISBURSING OFFICERS

The Senate proceeded to consider the bill (S. 2046) to provide relief for disbursing officers of the Army in certain cases, which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert:

That the act of July 11, 1919 (ch. 9, 41 Stat. 132; U.S.C., title 31, sec. 105), be, and is hereby amended as follows: Wherever the word "Navy" appears in said act the words "or Army" be added, and wherever the words "Secretary of the Navy" appear the words "or the Secretary of War" be added.

The amendment was agreed to.

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

JOHN F. PATTERSON

The bill (S. 1338) for the relief of John F. Patterson was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army, John F. Patterson shall be held and considered to have been honorably discharged as a private, Company D, First Regiment Minnesota National Guard Infantry, on August 14, 1917: *Provided*, That no compensation, retirement pay, back pay, pension, or other benefit shall be held to have accrued by reason of this act prior to its passage.

PUNISHMENT OF THE CRIME OF LYNCHING

The bill (S. 1978) to assure persons within the jurisdiction of every State the equal protection of laws, and punish the crime of lynching, was announced as next in order.

Mr. GEORGE. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

JOHN N. KNAUFF CO., INC.

The bill (S. 2972) for the relief of John N. Knauff Co., Inc., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $19,032.78 to John N. Knauff Co., Inc., in full settlement of all claims against the Government for damage and loss incurred by said corporation in complying with the orders of the Surgeon General of the United States or his representatives on contract duly executed between the Government of the United States and the plaintiff corporation on January 28, 1920, providing for the making of certain repairs and alterations for the United States in the United States Public Health Service Hospital at Hudson, Jay, and Staple Streets, New York City, in 1920 and 1921, as found by the Court of Claims and reported in Senate Document No. 128, Seventy-third Congress, second session.

JOSEPH Y. UNDERWOOD

The Senate proceeded to consider the bill (S. 2431) for the relief of the estate of Joseph Y. Underwood, which had been reported from the Committee on Claims with amendments, on page 1, line 7, to strike out "$282,075" and to insert in lieu thereof "$10,000", and at the end of the bill to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Robert C. Underwood, of Brooklyn, N.Y., as executor of the estate of Joseph Y. Underwood, deceased, the sum of $10,000, in full satisfaction of all claims of such estate against the United States arising out of services rendered by such Joseph Y. Underwood in effecting the sale of 15 wooden vessels in June 1919 and of 11 wooden vessels in January 1920 by the United States Shipping Board to the Nacirema Steamship Corporation: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in con-

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

The amendments were agreed to.

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

JOANNA A. SHEEHAN

The bill (S. 3335) for the relief of Joanna A. Sheehan, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem, in favor of Joanna A. Sheehan, of Haverhill, Mass., United States Liberty Loan permanent coupon bond no. 321498, in the denomination of $1,000, of the third 4¼'s, issued May 9, 1918, matured September 15, 1928, without presentation of said bond, the said bond having been lost, stolen, or destroyed: *Provided*, That the said bond shall not have been previously presented and paid: *And provided further*, That the said Joanna A. Sheehan shall first file in the Treasury Department a bond in the penal sum of double the amount of the principal of the said Liberty Loan bond, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any loss on account of the Liberty Loan bond hereinbefore described: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

MRS. C. A. TOLINE

The Senate proceeded to consider the bill (S. 2752) for the relief of the legal beneficiaries and heirs of Mrs. C. A. Toline, which had been reported from the Committee on Claims with amendments, on page 1, line 6, to strike out "$10,000" and insert in lieu thereof "$5,000", and to insert at the end of the bill a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal beneficiaries and heirs of Mrs. C. A. Toline, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, in full settlement of all claims against the Government on account of the death of Mrs. C. A. Toline, which occurred November 7, 1923, at the National Military Home for Disabled Volunteer Soldiers, Wis.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

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

MURIEL CRICHTON

The bill (S. 3264) for the relief of Muriel Crichton was announced as next in order.

Mr. McKELLAR. Let that go over.

The PRESIDING OFFICER. Objection is heard, and the bill will be passed over.

MAUDE G. NICHOLSON

The bill (S. 3128) to pay certain fees to Maude G. Nicholson, widow of George A. Nicholson, late a United States commissioner, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Maude G. Nicholson, widow of George A. Nicholson, late a United States commissioner in the western district of New York, at Canandaigua, N.Y., the sum of $183.45 in full settlement of all claims against the Government of the United States for fees earned by said George A. Nicholson, notwithstanding his failure to file a statutory oath in accordance with the provisions of volume 44, United States Statutes, page 918, approved December 11, 1926, and volume 44, United States Statutes, page 1346, approved March 2, 1927: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000.

RECONSTRUCTION FINANCE CORPORATION

Mr. JOHNSON. Mr. President, I ask unanimous consent to return to order of business 560, being Senate bill 3085, which is an important measure, and which met with some objection on the part of the Senator from Alabama [Mr. BLACK] and, I think, the Senator from Missouri [Mr. CLARK]. The objectionable feature of the bill, I think, the Senator from Florida is now ready to eliminate.

The PRESIDING OFFICER. The Senator from California asks unanimous consent that the Senate return to the consideration of Senate bill 3085, relating to the operations of the Reconstruction Finance Corporation, and for other purposes. Is there objection?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Banking and Currency with amendments.

The amendments of the committee were, on page 6, after line 9, to insert a new section, as follows:

SEC. 6. Notwithstanding any limitations on its power, the Reconstruction Finance Corporation, upon request of any borrower under section 201 (a) of the Emergency Relief and Construction Act of 1932, as amended, may adjust the maturities of any obligations of such borrower now held by it, or hereafter acquired by it under lawful commitments, to such periods as may in the discretion of the Reconstruction Finance Corporation be proper, but such adjustment shall not extend any such maturity to more than 20 years from the advancing of the sum or sums evidenced thereby.

On page 6, line 20, to strike out "6" and insert "7"; in line 23, to strike out "(1) By striking from the first sentence thereof '$50,000,000' and inserting in lieu thereof '$100,000,000'", and insert:

(1) By striking from the first sentence thereof "$50,000,000 to or for the benefit of drainage districts, levee districts, levee and drainage districts, irrigation districts, and similar districts" and inserting in lieu thereof "$100,000,000 to or for the benefit of drainage districts, levee districts, levee and drainage districts, irrigation districts, and similar districts, mutual nonprofit companies and incorporated water users' associations."

On page 8, line 3, after the word "repairs", to insert the words "and necessary extensions"; on line 7, after the word "repairs", to insert the words "and necessary extensions"; on line 21 to strike out "7" and to insert "8"; and at the end of the bill to add a new section, so as to make the bill read:

Be it enacted, etc., That (a) section 882 of the Revised Statutes (U.S.C., title 28, sec. 661) is amended to read as follows:

"SEC. 882. (a) Copies of any books, records, papers, or other documents in any of the executive departments, or of any corporation all of the stock of which is beneficially owned by the United States, either directly or indirectly, shall be admitted in evidence equally with the originals thereof, when duly authenticated under the seal of such department or corporation, respectively.

"(b) Books or records of account in whatever form, and minutes (or portions thereof) of proceedings, of any such executive department or corporation, or copies of such books, records, or minutes authenticated under the seal of such department or corporation, shall be admissible as evidence of any act, transaction, occurrence, or event as a memorandum of which such books, records, or minutes were kept or made.

"(c) The seal of any such executive department or corporation shall be judicially noticed."

(b) Section 4 of the Reconstruction Finance Corporation Act, as amended (U.S.C., supp. VII, title 15, sec. 604), is amended by inserting immediately before the semicolon following the words "corporate seal" a comma and the words "which shall be judicially noticed."

SEC. 2. Section 1001 of the Revised Statutes, as amended (U.S.C., title 28, sec. 870), is amended by inserting immediately

after the word "Government" the following: "or any corporation all the stock of which is beneficially owned by the United States, either directly or indirectly."

SEC. 3. Paragraph "First" of section 24 of the Judicial Code, as amended (U.S.C., title 28, sec. 41), is amended by inserting immediately after the words "authorized by law to sue" in the first sentence thereof a comma and the following: "or by any corporation all the stock of which is beneficially owned by the United States, either directly or indirectly."

SEC. 4. The Reconstruction Finance Corporation Act, as amended (U.S.C., supp. VII, title 15, ch. 14), is further amended by inserting after section 5a thereof the following new section:

"SEC. 5b. Notwithstanding any other provision of law—

"(1) The maturity of drafts or bills of exchange which may be accepted by the Corporation under section 5a of this act, and the period for which the Corporation may make loans or advances under sections 201 (c) and 201 (d) of the Emergency Relief and Construction Act of 1932, as amended, and under section 5 of this act, may be 5 years, or any shorter period, from February 1, 1935: *Provided*, That in respect of loans or advances under such section 5 to railroads, railways, and receivers or trustees thereof, the Corporation may require as a condition of making any such loan or advance for a period longer than 3 years that such arrangements be made for the reduction or amortization of the indebtedness of the railroad or railway, either in whole or in part, as may be approved by the Corporation after the prior approval of the Interstate Commerce Commission.

"(2) The Corporation may at any time, or from time to time, extend, or consent to the extension of, the time of payment of any loan or advance made by it, through renewal, substitution of new obligations, or otherwise, but the time for such payment shall not be extended beyond 5 years from February 1, 1935: *Provided*, That the time of payment of loans or advances to railroads, railways, and receivers or trustees thereof shall not be so extended except with the prior approval of the Interstate Commerce Commission, and, in the case of a loan to a railroad or railway, with the prior certification of the Interstate Commerce Commission that the railroad or railway is not in need of financial reorganization in the public interest.

"(3) In connection with the reorganization under section 77 of the Federal Bankruptcy Act, approved July 1, 1898, as amended, or with receivership proceedings in a Federal court or courts, of any railroad or railway indebted to the Corporation, or of any railroad or railway the receivers or trustees of which are indebted to the Corporation, the Corporation may, with the prior approval of the Interstate Commerce Commission, adjust or compromise its claim against such railroad or railway, or any such receiver or trustee, by accepting, in connection with any such reorganization or receivership proceedings and in exchange for securities or any part thereof then held, new securities which may have such terms as to interest, maturity, and otherwise as may be approved by the Corporation, or part cash and part new securities so approved: *Provided*, That any such adjustment or compromise shall not be made on less favorable terms than those provided in the reorganization of the railroad or railway for holders of claims of the same class and rank as the claim of the Corporation."

SEC. 5. Section 301 of the National Industrial Recovery Act (U.S.C., supp. VII, title 40, sec. 412) is amended by inserting before the period at the end thereof a colon and the following: "*Provided further*, That in connection with any loan or contract or any commitment to make a loan entered into by the Reconstruction Finance Corporation prior to June 26, 1933, to aid in financing part or all of the construction cost of projects pursuant to section 201(a)(1) of the Emergency Relief and Construction Act of 1932, as amended, the Corporation may make such further loans and contracts for the completion of any such project, or for improvements, additions, extensions, or equipment which are necessary or desirable for the proper functioning of any such project, or which will materially increase the assurance that the borrower will be able to repay the entire investment of the Corporation in such project, including such improvements, additions, extensions, or equipment; and the Corporation may disburse funds to the borrower thereunder, at any time prior to January 23, 1939, notwithstanding any provisions to the contrary contained in this section or in section 201(h) of the Emergency Relief and Construction Act of 1932, as amended: *Provided further*, That any such further loans shall be made subject to all the terms and conditions set forth in the Emergency Relief and Construction Act of 1932, as amended, with respect to the loans authorized by section 201(a)(1) of said act."

SEC. 6. Notwithstanding any limitations on its power, the Reconstruction Finance Corporation, upon request of any borrower under section 201(a) of the Emergency Relief and Construction Act of 1932, as amended, may adjust the maturities of any obligations of such borrower now held by it, or hereafter acquired by it under lawful commitments, to such periods as may in the discretion of the Reconstruction Finance Corporation be proper, but such adjustment shall not extend any such maturity to more than 20 years from the advancing of the sum or sums evidenced thereby.

SEC. 7. Section 36 of the Emergency Farm Mortgage Act of 1933, as amended (U.S.C., supp. VII, title 43, sec. 403), is amended as follows:

(1) By striking from the first sentence thereof "$50,000,000 to or for the benefit of drainage districts, levee districts, levee and drainage districts, irrigation districts, and similar districts" and inserting in lieu thereof "$100,000,000 to or for the benefit of drainage districts, levee districts, levee and drainage districts, irrigation districts, and similar districts, mutual nonprofit companies, and incorporated water users' associations."

(2) By amending clause (4) thereof to read as follows:

"(4) the borrower shall agree, insofar as it may lawfully do so, that so long as any part of such loan shall remain unpaid the borrower will in each year apply to the repayment of such loan or to the purchase or redemption of the obligations issued to evidence such loan, an amount equal to the amounts by which the assessments, taxes, and other charges collected by it exceed (a) the cost of operation and maintenance of the project, (b) the debt charges on its outstanding obligations, and (c) provision for such reasonable reserves as may be approved by the Corporation; and".

(3) By adding at the end thereof the following new paragraph:

"When any loan is authorized pursuant to the provisions of this section and it shall then or thereafter appear that repairs and necessary extensions or improvements to the project of such district or political subdivision are necessary or desirable for the proper functioning of its project or for the further assurance of its ability to repay such loan, and if it shall also appear that such repairs and necessary extensions or improvements are not designed to bring new lands into production, the Corporation, within the limitation as to total amount provided in this section, may make an additional loan or loans to such district or political subdivision for such purpose or purposes. When application therefor shall have been made by any such district or political subdivision, any loan authorized by this section may be made either to such district or political subdivision or to the holders or representatives of the holders of their existing indebtedness, and such loans may be made upon promissory notes collateraled by the obligations of such district or political subdivision, or through the purchase of securities issued or to be issued by such district or political subdivision."

SEC. 8. (a) Sections 2 and 3 of the act entitled "An act to authorize the Reconstruction Finance Corporation to subscribe for preferred stock and purchase the capital notes of insurance companies, and for other purposes", approved June 10, 1933, as amended (U.S.C., supp. VII, title 15, secs. 605f and 605g), are amended to read as follows:

"SEC. 2. In the event that any such insurance company shall be incorporated under the laws of any State which does not permit it to issue preferred stock, exempt from assessment or additional liability, or if such laws permit such issue of preferred stock only by unanimous consent of stockholders, or upon notice of more than 20 days, or if the insurance company is a mutual organization without capital stock, the Reconstruction Finance Corporation is authorized for the purposes of this act to purchase the legally issued capital notes of such insurance company, or, if the company is a mutual organization without capital stock, such other form or forms of indebtedness as the laws of the State under which such company is organized permit, or to make loans secured by such notes or such other form or forms of indebtedness as collateral, which may be subordinated in whole or in part or to any degree to claims of other creditors.

"SEC. 3. The Reconstruction Finance Corporation shall not subscribe for or purchase any preferred stock or capital notes of any applicant insurance company, (1) until the applicant shows to the satisfaction of the Corporation that it has unimpaired capital, or that it will furnish new capital which will be subordinate to the preferred stock or capital notes to be subscribed for or purchased by the Corporation, equal to the amount of said preferred stock or capital notes so subscribed for or purchased by the Corporation: *Provided*, That the Corporation may make loans upon said preferred stock or capital notes, or other form or forms of indebtedness permitted by the laws of the State under which said applicant is organized, if, in its opinion, such loans will be adequately secured by said stock or capital notes or other form or forms of indebtedness and/or such other forms of security as the Corporation may require, (2) if at the time of such subscription, purchase, or loan any officer, director, or employee of the applicant is receiving total compensation in a sum in excess of $17,500 per annum from the applicant and/or any of its affiliates, and (3) unless at such time, the insurance company agrees to the satisfaction of the Corporation that while any part of the preferred stock, notes, bonds, or debentures (or, in the case of a mutual insurance company, other form or forms of indebtedness permitted by the laws of the State under which the company is organized) of such insurance company is held by the Corporation, the insurance company, except with the consent of the Corporation, will not (a) increase the compensation received by any of its officers, directors, or employees from the insurance company and/or any of its affiliates, and in no event increase any such compensation to an amount exceeding $17,500 per annum, or (b) retire any of its stock, notes, bonds, debentures, or other forms of indebtedness issued for capital purposes. For the purposes of this section, the term 'compensation' includes any salary, fee, bonus, commission, or other payment, direct or indirect, in money or otherwise, for personal services."

(b) Section 11 of such act of June 10, 1933, as amended (U.S.C., supp. VII, title 15, sec. 605l), is amended by adding at the end thereof the following new sentence: "As used in this section and in sections 1, 2, and 3 of this act, the term 'State' means any State, Territory, or possession of the United States, the Canal Zone, and the District of Columbia."

SEC. 9. The Reconstruction Finance Corporation is authorized and empowered to make loans upon full and adequate security, based on mineral acreage, to recognized and established incorporated managing agencies of farmers' cooperative mineral rights

and pools not engaged in drilling or mining operations, said loans to be made for the purpose of defraying the cost of organizing such pools.

The amendments were agreed to.

Mr. FLETCHER. Mr. President, I offer certain amendments sent to me by the Reconstruction Finance Corporation, mainly corrective in character.

The PRESIDING OFFICER. The clerk will state the amendments.

The CHIEF CLERK. On page 7, line 7, after the word "and" where it occurs the second time, it is proposed to insert "mutual nonprofit"; on page 7, between lines 8 and 9, to insert the following new paragraph:

(2) By striking from the second sentence thereof "district or political subdivision" and inserting in lieu thereof "district, political subdivision, company, or association."

On page 7, line 9, to strike out "(2)" and insert "(3)"; on page 7, line 23, to strike out "(3)" and insert "(4)"; on page 8, lines 4, 11, 13, 15, 18, and 20, to strike out the words "district or political subdivision" where they appear in each such line and insert in lieu thereof "district, political subdivision, company, or association."

The amendments were agreed to.

Mr. BLACK. Mr. President, I move to amend the bill by striking out section 3, which reads:

SEC. 3. Paragraph "First" of section 24 of the Judicial Code, as amended (U.S.C., title 28, sec. 41), is amended by inserting immediately after the words "authorized by law to sue" in the first sentence thereof a comma and the following: "or by any corporation all the stock of which is beneficially owned by the United States, either directly or indirectly."

I will state exactly the effect of the amendment, so that it will be understood.

I have looked up the United States Code, title 28, section 41. Section 3 of the pending bill is an amendment to that code section. If section 3 should be adopted, it would extend to the Federal courts jurisdiction to try any case involving any amount under $3,000, and any case where a suit would be brought by a corporation all the stock of which is owned by the United States, either directly or indirectly.

I am offering this amendment because I believe that the State courts should continue in the future, as in the past, to have jurisdiction of suits involving under $3,000. I move to strike section 3 from the bill.

Mr. FLETCHER. Mr. President, this is regarded as facilitating procedure, and I will not object to the amendment.

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

The amendment was agreed to.

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

W. C. GARBER

The bill (H.R. 1418) for the relief of W. C. Garber was considered, ordered to a third reading, read the third time, and passed.

HARRY L. HABERKORN

The bill (H.R. 2337) for the relief of Harry L. Haberkorn was considered, ordered to a third reading, read the third time, and passed.

RELIEF OF FOREIGN SERVICE OFFICERS

The bill (S. 380) for the relief of certain officers and employees of the Foreign Service of the United States who, while in the course of their respective duties, suffered losses of personal property by reason of catastrophes of nature, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to Matthew E. Hanna, American minister to Nicaragua, the sum of $25,368.58, of which the sum of $25,215.50 represents the value of reasonable and necessary personal property lost as a result of the earthquake at Managua, Nicaragua, March 31, 1931, and the sum of $153.08 represents the amount of money and vouchers destroyed when the contents of the safe in the legation were burned.

To Willard L. Beaulac, secretary of the American Legation at Managua, Nicaragua, the sum of $1,006.82, such sum representing the value of reasonable and necessary personal property lost as a result of the earthquake at Managua, Nicaragua, March 31, 1931.

To Marion P. Hoover, clerk in legation at Managua, Nicaragua, the sum of $80, such sum representing the value of reasonable and necessary personal property lost as a result of the earthquake at Managua, Nicaragua, March 31, 1931: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent of any claim thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with any such claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated for any claim in this act in excess of 10 percent of such claim on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000. The aforestated amounts shall be considered in full settlement of the aforesaid claims.

REGISTRY OF ALIENS

The Senate proceeded to consider the bill (S. 2692) relating to the record of registry of certain aliens, which had been reported from the Committee on Immigration with amendments. The first amendment of the committee was, on page 2, line 1, after the word "and", to insert "(a)".

The amendment was agreed to.

Mr. McKELLAR. Mr. President, will not the Senator from New York explain this bill?

Mr. COPELAND. Mr. President, this is a bill to take care of certain Russian refugees who are in this country and who were promised that they would not be interfered with in the arrangements we have made with Russia. But they cannot go back to Russia. They would meet death, I suppose, if they did so. All the authorities here and all the departments have favored this legislation.

The PRESIDING OFFICER. There is another amendment of the committee to be acted on, which the clerk will state.

The CHIEF CLERK. On page 2, line 3, after the word "him", it is proposed by the committee to insert the words "or (b) who was in the United States as a bona fide political or religious refugee", so as to make the bill read:

Be it enacted, etc., That subdivision (a) of section 1 of the act entitled "An act to supplement the naturalization laws, and for other purposes", approved March 2, 1929, is amended by adding to the end thereof the following:

"Upon application filed with the Commissioner General of Immigration within 1 year after the approval of this act such registry may also be made as to any alien not ineligible to citizenship who entered the United States prior to January 1, 1933, in whose case there is no record of admission for permanent residence and (a) who prior to that date could not be deported to any country to which it was lawful to deport him, or (b) who was in the United States as a bona fide political or religious refugee, if such alien shall make a satisfactory showing to the Commissioner General of Immigration, in accordance with regulations prescribed by the Commissioner General of Immigration, with the approval of the Secretary of Labor, that he—

"(1) Has not been out of the United States since entry;

"(2) Is a person of good moral character;

"(3) Is not subject to deportation under any law other than the Immigration Act of 1924; and

"(4) Did not, before January 1, 1933, withhold from the immigration authorities of the United States necessary information concerning his personal history sought in connection with their application to the authorities of any foreign country for permission to deport him thereto."

The amendment was agreed to.

Mr. COPELAND. Mr. President, there is a typographical error in line 8 on the first page, where, after the word "Commissioner", the word "General" should be stricken out, and after the word "Immigration" the words "and Naturalization" should be inserted.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 1, line 7, it is proposed, after the word "Commissioner", to strike out the word "General", and after the word "Immigration" to insert the words "and Naturalization"; and on page 2, lines 5 and 7, to make the same amendment.

The amendments were agreed to.

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

NATURALIZATION LAWS

The bill (S. 3346) to amend the naturalization laws with respect to records of registry and residence abroad was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That subdivision (a) of section 1 of the act entitled "An act to supplement the naturalization laws, and for other purposes", approved March 2, 1929, is amended to read as follows:

"That (a) the registry of aliens at ports of entry required by section 1 of the act of June 29, 1906 (34 Stat.L., pt. I, p. 596), as amended, may be made as to any alien not ineligible to citizenship in whose case there is no record of admission for permanent residence prior to July 1, 1924, if such alien shall make a satisfactory showing to the Commissioner of Immigration and Naturalization, in accordance with regulations prescribed by the Commissioner of Immigration and Naturalization, with the approval of the Secretary of Labor, that he—

"(1) First entered the United States prior to July 1, 1924;

"(2) Has resided in the United States continuously since such entry;

"(3) Is a person of good moral character; and

"(4) Is not subject to deportation."

SEC. 2. The last proviso in the first paragraph of the seventh subdivision of section 4 of the Naturalization Act of June 29, 1906, as amended, is amended by inserting after "American-owned vessels" the following: "or vessels operated under a demise charter by a corporation organized under the laws of the United States, or of a State, Territory, District, or possession thereof."

SEC. 3. The second paragraph of the fourth subdivision of section 4 of the Naturalization Act of June 29, 1906, as amended, is amended by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following: "except that absence from the United States for a period of not exceeding 2 years shall not break the continuity of residence for naturalization purposes if the alien proves to the satisfaction of the court that he was absent from the United States during such period principally as a representative of American business interests."

BURIALS IN NATIONAL CEMETERIES

The bill (S. 3023) to amend sec. 4878 of the United States Revised Statutes, as amended, relating to burials in national cemeteries, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 4878 of the United States Revised Statutes, as amended, be further amended by adding at the end of said section a new sentence reading as follows: "Persons who were members of the Cabinet of the President of the United States at any time during the period between April 6, 1917, and November 11, 1918, may be buried in any national cemetery: *Provided*, That the interment is without cost to the United States."

CITY OF BALTIMORE

The bill (S. 3272) for the relief of the city of Baltimore was announced as next in order.

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

Mr. LOGAN. I will make an explanation, Mr. President. The claim is in all respects just, and why it has not been paid before I do not know. It is money the city of Baltimore advanced to the Federal Government during the Rebellion, or the War between the States. There is no dispute over the facts. We have been paying similar claims from time to time, and this one has just been delayed. The committee could not find any way to keep from reporting it favorably.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

Be it enacted, etc., That the Secretary of the Treasury be and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the city of Baltimore the sum of $171,034.31, being the balance of the amount incurred and expended by said city of Baltimore to aid in the construction of works of national defense in 1863, at the request of Maj. Gen. R. C. Schenck, United States Army, and as found and reported to the Senate on May 3, 1930, by the Comptroller General of the United States.

BRIDGE OVER NIAGARA RIVER

The joint resolution (H.J.Res. 315) granting consent of Congress to an agreement or compact entered into by the State of New York with the Dominion of Canada for the establishment of the Buffalo and Fort Erie Public Bridge Authority with power to take over, maintain, and operate the present highway bridge over the Niagara River between the city of Buffalo, N.Y., and the village of Fort Erie, Canada, was considered, ordered to a third reading, read the third time, and passed, as follows:

Resolved, etc., That the consent of the Congress of the United States be, and it is hereby, given to the State of New York to enter into the agreement or compact with the Dominion of Canada set forth in chapter 824 of the Laws of New York, 1933, and an act respecting the Buffalo and Fort Erie Public Bridge Authority passed at the fifth session, Seventeenth Parliament, Dominion of Canada (24 George V 1934), assented to March 28, 1934, for the establishment of the Buffalo and Fort Erie Public Bridge Authority as a municipal corporate instrumentality of said State and with power to take over, maintain, and operate the present highway bridge over the Niagara River between the city of Buffalo, in the State of New York, and the village of Fort Erie, in the Dominion of Canada.

ULDRIC THOMPSON, JR.

The Senate proceeded to consider the bill (S. 1382) for the relief of Uldric Thompson, Jr., which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and to insert the following:

That jurisdiction is hereby conferred upon the Court of Claims of the United States, notwithstanding the lapse of time or the statute of limitations, to hear, determine, and render judgment under the act of July 1, 1918 (40 Stat.L., ch. 114, pp. 704, 705), on the claims of Uldric Thompson, Jr., for the use of or the manufacture by the United States without license of the owner thereof or the lawful right to use or manufacture war material under certain inventions of said Uldric Thompson, Jr., described in or covered by Letters Patent Nos. 1237362 and 1255836, respectively: *Provided*, That the records of the War Department as to such manufacture and use under these patents shall be available to the court and to the claimant: *Provided further*, That from any decision in any suit prosecuted under the authority of this act an appeal may be taken by either party as is provided for by law in other cases.

The amendment was agreed to.

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

PLAYA DE FLOR LAND & IMPROVEMENT CO.

The bill (S. 3247) for the relief of the Playa de Flor Land & Improvement Co. was announced as next in order.

The PRESIDING OFFICER. This bill being the same as House bill 5284, reported from the Committee on Claims on April 25, 1934, without objection the House bill will be substituted for the Senate bill.

There being no objection, the bill (H.R. 5284) for the relief of the Playa de Flor Land & Improvement Co. was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the District Court of the Canal Zone to hear and determine, without intervention of a jury, but subject to the provisions for appeal as in other cases provided by the Panama Canal Act, as amended, the claim of the Playa de Flor Land & Improvement Co. against the United States on account of property taken by the United States in the Canal Zone.

The PRESIDING OFFICER. Without objection the Senate bill will be indefinitely postponed.

Mr. GORE subsequently said: Mr. President, just before I reached the Chamber, Calendar No. 770, being the bill (S. 3247) for the relief of the Playa de Flor Land & Improvement Co., was displaced and the bill (H.R. 5284) for the relief of the Playa de Flor Land & Improvement Co. was substituted in its stead upon the assumption that they were identical. There was one point of difference. I move to reconsider the votes by which the House bill was ordered to a third reading, and passed. Then I desire to offer an amendment to it.

The PRESIDING OFFICER. Without objection the votes by which the bill was ordered to a third reading and passed will be reconsidered. The Senator from Oklahoma may now offer his amendment.

Mr. GORE. In the House bill, in line 4, I move to strike out the words "without the intervention of a jury." That

will make it conform to the Senate bill as reported from the Committee on Interoceanic Canals.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In line 4, after the word "determine" strike out the words "without intervention of a jury", so as to make the bill read:

Be it enacted, etc., That jurisdiction is hereby conferred upon the District Court of the Canal Zone to hear and determine, but subject to the provisions for appeal as in other cases provided by the Panama Canal Act, as amended, the claim of the Playa de Flor Land & Improvement Co. against the United States on account of property taken by the United States in the Canal Zone.

The amendment was agreed to.

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

The bill was read the third time and passed.

COMMODITY DIVISIONS IN DEPARTMENT OF AGRICULTURE

The Senate proceeded to consider the bill (S. 2899) establishing certain commodity divisions in the Department of Agriculture, which had been reported from the Committee on Agriculture and Forestry with amendments, on page 1, line 7, after the words "Division of", to strike out "cattle", and insert in lieu thereof "livestock and poultry,"; on page 1, line 9, after the word "hogs", to insert "Division of Dairying and Dairy Products", so as to make the bill read:

Be it enacted, etc., That the following divisions are hereby established in the Department of Agriculture, to which shall be transferred all duties and functions now exercised by the Department in respect of the commodity as to which each respective division is established: Division of Livestock and Poultry, Division of Cotton, Division of Grains, Division of Hogs, Division of Dairying and Dairy Products, and Division of Tobacco. Each such division shall be under the direction of such executive and administrative officers as the Secretary of Agriculture may deem necessary to perform the functions assigned to it. All such officers of each division shall be appointed from that area in the United States in which the major portion of the commodities over which the division has jurisdiction is produced, and such officers shall be persons of extensive experience in the production of such commodity and thoroughly familiar with the processes of marketing the same. Any person appointed to a position in any such division the salary of which is in excess of $2,500 shall be appointed by the President, by and with the advice and consent of the Senate.

SEC. 2. The divisions provided for by this act shall be organized, and shall enter upon their duties, at the earliest practicable date after the date of enactment of this act.

The amendments were agreed to.

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

FRANCIS GERRITY

The Senate proceeded to consider the bill (S. 99) for the relief of Francis Gerrity, which had been reported from the Committee on Military Affairs with an amendment, on page 1, line 8, after the word "Fourth", to strike out "Regiment"; and in the same line after the word "States", to strike out the word "Volunteer", so as to make the bill read:

Be it enacted, etc., That in the administration of all laws conferring rights, benefits, and privileges upon honorably discharged soldiers Francis Gerrity shall be held and considered as having been honorably discharged from the military service of the United States on December 16, 1901, as a private, Troop D, Fourth United States Cavalry: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The amendments were agreed to.

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

LANDS IN NATIONAL FORESTS, IDAHO

The bill (H.R. 7425) for the inclusion of certain lands in the national forests in the State of Idaho, and for other purposes, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the provisions of the act entitled "An act to consolidate national forest lands", approved March 20, 1922 (U.S.C., title 16, sec. 485), are extended and made applicable to the following-described lands in the State of Idaho.

Sections 5, 6, 7, and 8, township 40 north, range 1 west.

Sections 1, 2, 3, 11, and 12; section 10, except the southwest quarter northwest quarter and the west half southwest quarter, township 40 north, range 2 west.

Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 16, 17, and 18; section 15, except the south half southwest quarter; north half northeast quarter, southwest quarter northeast quarter, northwest quarter, and the north half southwest quarter section 19; northeast quarter, east half northwest quarter, and the southwest quarter section 20, township 40 north, range 3 west.

Sections 1 to 23, inclusive; northeast quarter, east half northwest quarter, northwest quarter northwest quarter, and the north half southeast quarter section 24; northeast quarter, east half northwest quarter, and the northwest quarter northwest quarter section 26; northeast quarter northeast quarter, west half northeast quarter, and the northwest quarter section 27; north half section 28; and the east half northeast quarter section 29, township 40 north, range 4 west.

Sections 9, 11, 12, 13, 14, and the south half section 1; south half section 2; southeast quarter section 3; section 10, except the north half northwest quarter; north half, and the east half southeast quarter, section 15; northeast quarter, and the north half southeast quarter section 16; north half, southeast quarter southwest quarter, and the southeast quarter, section 24, township 40 north, range 5 west.

Sections 29, 30, 31, and 32, township 41 north, range 1 west.

Sections 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 34, 35, 36, and the north half section 33, township 41 north, range 2 west.

Sections 13, 14, 15, 16, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, and section 26, except the southwest quarter southwest quarter, township 41 north, range 3 west.

The southeast quarter section 32; southwest quarter, west half southeast quarter, and the southeast quarter southeast quarter, section 33; east half southeast quarter section 34; south half section 35, and section 36, except the northeast quarter, township 41 north, range 4 west.

All foregoing descriptions relate to Boise base and meridian.

SEC. 2. Lands within the national forests heretofore granted to the State of Idaho for educational or other purposes may, under such rules and regulations as the legislature of such State shall prescribe, be offered in exchange for any of the lands described in section 1 hereof which are of nonmineral character and approximately equal value and area, in the ownership of the United States or in other ownership, to the end that the State may acquire holdings in a reasonably compact form for economic administration as a forest property, or for use as an experimental, training, and demonstrational area by the School of Forestry of the University of Idaho, or for any other purposes that the legislature of the State may authorize or prescribe, anything in the enabling act of such State to the contrary notwithstanding.

SEC. 3. The lands conveyed to the United States under sections 1 and 2 of this act (together with the land described in section 1 now owned by the United States, subject to all valid existing rights) shall, upon acceptance of title, become parts of the national forest within whose exterior boundaries they are located.

CONFEDERATE CEMETERY, FAYETTEVILLE, ARK.

The bill (S. 1358) to provide for the improvement of the approach to the Confederate Cemetery, Fayetteville, Ark., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Mildren Lee Chapter, United Daughters of the Confederacy, the sum of $3,200, or so much thereof as may be necessary, for the construction of a suitable hard-surfaced road from the end of the paved portion of East Rock Street, Fayetteville, Ark., and running along the unpaved portion of said street to the entrance of the Confederate Cemetery in said city, such road to be constructed under the supervision of the Secretary of War. No payment shall be made under this act until the city of Fayetteville has consented to the construction of such road.

JAMES JOHNSON

The Senate proceeded to consider the bill (S. 2204) for the relief of James Johnson, which had been reported from the Committee on Military Affairs with an amendment, on page 1, line 10, to strike out "15th" and insert in lieu thereof "19th", so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, their widows, and dependent relatives, James Johnson, who was a private in Company A, Fifty-fourth Regiment Kentucky Volunteer Mounted Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of said company and regiment on the 19th day of December 1864: *Provided*, That no back pay, bounty, or other allowances shall accrue by reason of the passage of this act.

The amendment was agreed to.

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

MIKE L. SWEENEY

The Senate proceeded to consider the bill (S. 2883) for the relief of Mike L. Sweeney, which had been reported from the Committee on Military Affairs with an amendment, on page 1, line 10, after the word "division" to insert "on the 1st day of January, 1919", so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army Mike L. Sweeney shall be held and considered to have served without desertion and to have been honorably discharged as a private, Company B, One Hundred and Thirty-eighth Regiment United States Infantry, Thirty-fifth Division on the 1st day of January, 1919: *Provided*, That no pension, bounty, retirement pay, back pay, or allowances shall be held to have accrued by reason of this act prior to its passage.

The amendment was agreed to.

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

BILL PASSED OVER

The bill (S. 1757) to amend an act entitled "An act to incorporate the Mount Olivet Cemetery Co., in the District of Columbia", was announced as next in order.

Mr. McKELLAR. Mr. President, there seems to be an adverse report from Commissioner Hazen, and I think unless it is explained the bill ought to go over.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT OF NATIONAL DEFENSE ACT

The bill (S. 2044) to amend the National Defense Act of June 3, 1916, as amended, was announced as next in order.

Mr. SHEPPARD. Mr. President, this bill does not increase the number of general officers, but simply accords those temporarily serving as Army commanders the rank of General while they are so serving, and does not affect compensation.

The country is divided under War Department plans into 4 strategic areas occupied by 4 armies, and the commanding officers should have the appropriate titles while they are in command.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

Be it enacted, etc., That section 4 of the National Defense Act of June 3, 1916, as amended, be, and the same is hereby, amended by adding the following proviso at the end of the first paragraph thereof: "*Provided further*, That the President is authorized to designate four general officers of the line of the Army for command of armies, and, after being so designated, from the date of assuming such command until relieved therefrom, each shall have the rank and title of general, and shall receive the pay and allowances of a major general, and in addition thereto, the personal money allowance prescribed by law for an admiral. They shall take rank among themselves according to their permanent commissions in the Army. The grade of general is hereby authorized and continued for the purpose of this proviso."

SARAH LLOYD

The bill (S. 2207) for the relief of Sarah Lloyd, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring right, privileges, or benefits upon the widows, children, and dependent relatives of persons honorably discharged from the United States Army, William Lloyd, late of Company F, Ninth Regiment West Virginia Volunteer Infantry, shall be held and considered to have served without desertion and to have been honorably discharged from such service on May 28, 1863: *Provided*, That no pension, pay, or bounty shall be held to have accrued by reason of this act prior to its passage.

ROBERT H. WILDER

The Senate proceeded to consider the bill (S. 426) for the relief of Robert H. Wilder, which had been reported from the Committee on Military Affairs, with an amendment to strike out all after the enacting clause and to insert:

Be it enacted, etc., That in the administration of the benefits and privileges of the Emergency Officers' Retirement Act of May 24, 1928 (45 Stat. 735), the service performed in France subsequent to August 1, 1917, by Robert H. Wilder while a member of the Veteran Corps of Artillery of the State of New York shall be held to have been performed as an emergency officer in the grade of captain: *Provided*, That no back pay, compensation, benefit, or allowance shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

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

CLAIMS FOR EXTRA LABOR AT NAVY YARDS

The bill (S. 3275) for the allowance of certain claims for extra labor above the legal day of 8 hours at the several navy yards and shore stations certified by the Court of Claims, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow to the respective persons the respective amounts found by the Court of Claims to have been underpaid to said persons, for labor performed at the several navy yards and shore stations herein named, in excess of the legal day of 8 hours, as set forth in Senate documents herein enumerated, and for which purpose the sum of $332,342.74, or so much thereof as may be necessary, is hereby appropriated.

That the payment of said respective amounts is to be in full for, and receipt of same to be taken and accepted in each case as a full and final release and discharge of their said respective claims for extra labor above the legal day of 8 hours at the several navy yards and shore stations.

That the said navy yards and shore stations and Senate documents are as follows:

CALIFORNIA

Mare Island Navy Yard: Senate Documents Nos. 713, 714, Sixty-first Congress, third session; 279, 447, Sixty-second Congress, second session; and 1085, Sixty-second Congress, third session.

FLORIDA

Pensacola Navy Yard: Senate Documents Nos. 500, Sixty-first Congress, second session; 778, 791, Sixty-first Congress, third session; and 155, 200, 287, 756, Sixty-second Congress, second session.

MARYLAND

United States Naval Academy: Senate Document No. 1055, Sixty-second Congress, third session.

MASSACHUSETTS

Boston Navy Yard: Senate Documents Nos. 382, Sixty-first Congress, second session; 150, 151, Sixty-second Congress, second session; and 1083, Sixty-second Congress, third session.

NEW HAMPSHIRE

Portsmouth Navy Yard: Senate Documents Nos. 315, Sixtieth Congress, first session; 431, Sixty-first Congress, second session; 770, 811, Sixty-first Congress, third session; 152, 153, 154, 206, 278, 715, 847, 848, Sixty-second Congress, second session; and 1058, 1076, 1077, 1082, Sixty-second Congress, third session.

NEW YORK

Brooklyn Navy Yard: Senate Documents Nos. 108, Sixty-first Congress, first session; 287, Sixty-first Congress, second session; 777, 792, Sixty-first Congress, third session; 198, 286, 717, Sixty-second Congress, second session; and 1057, 1079, 1080, Sixty-second Congress, third session.

PENNSYLVANIA

League Island Navy Yard, Philadelphia: Senate Documents Nos. 330, 332, Sixtieth Congress, first session; 710, 716, 717, 774, 795, Sixty-first Congress, third session; 185, 714, Sixty-second Congress, second session; and 1081, 1084, 1086, Sixty-second Congress, third session.

RHODE ISLAND

Naval Torpedo Station, Newport: Senate Document No. 715, Sixty-first Congress, third session.

VIRGINIA

Norfolk Navy Yard: Senate Documents Nos. 509, Sixtieth Congress, first session; 711, 793, Sixty-first Congress, third session; 146, 205, 446, Sixty-second Congress, second session; and 1056, Sixty-second Congress, third session.

DISTRICT OF COLUMBIA

Washington Navy Yard: Senate Documents Nos. 288, 432, Sixty-first Congress, second session; 712, 771, 772, 775, 776, 794, Sixty-first Congress, third session; 120, 145, 199, 200, 202, 276, 277, 724, 757, 849, Sixty-second Congress, second session; 1078, Sixty-second Congress, third session; and 354, Sixty-third Congress, second session.

SEC. 2. That where the payment to be made under this act is less than $1,000, and the person who rendered the service is dead, and no demand is presented by a duly appointed legal representative of his estate, payment may be made to the decedent's widow or legal heirs as is provided by existing laws relating to the settlement of accounts of deceased officers or enlisted men of the Army (34 Stat.L., 750): *Provided*, That in all cases where the original claimants were adjudicated bankrupts, payments shall be made to the next of kin instead of to the assignees in bankruptcy: *And provided further*, That wherever under this act it is provided that a payment be made to an executor or an administrator, whether

original or ancillary or de bonis non, and such executor or administrator is dead or no longer holds his office, payment shall be made to the successor therein, his title to hold such office being established to the satisfaction of the Comptroller General of the United States.

SEC. 3. That no part of the amount of any claim appropriated for in this Act in excess of 20 percent thereof shall be paid or delivered to or received by any attorney on account of services rendered in connection with said claim: *Provided*, That in each case, payment for which is herein provided, the Comptroller General shall deduct a sum equal to said 20 percent and pay the same to the attorney or attorneys who appeared for the claimant in the Court of Claims, as found by said court, and as set forth in the Senate documents aforesaid; and in event of the death of said attorney or attorneys, payment of said 20 percent to be made to his or their legal representatives, upon execution of a full release and a complete discharge to the claimant for all services rendered therein, and after the payment of such fee the balance thereof to be paid to the claimant. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum which in the aggregate exceeds 20 percent of the amount of any item appropriated in this act on account of services rendered or advances made in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000.

JOINT RESOLUTION PASSED OVER

The joint resolution (S.J.Res. 7) proposing an amendment to the Constitution of the United States relative to taxes on certain incomes was announced as next in order.

Mr. McKELLAR. Over.

The PRESIDING OFFICER. The joint resolution will be passed over.

COMMEMORATION OF FOUNDING OF CONNECTICUT

The bill (S. 1779) authorizing the issuance of a special postage stamp in commemoration of the three-hundredth anniversary of the founding of the Colony of Connecticut, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in commemoration of the three-hundredth anniversary of the founding of the Colony of Connecticut, the Postmaster General is authorized and directed to issue a special postage stamp of the denomination of 2 cents and have such design and for such period beginning not later than January 1, 1935, as he may determine.

AMENDMENT OF PENAL LAWS OF THE UNITED STATES

The Senate proceeded to consider the bill (H.R. 3845) to amend section 198 of the act entitled "An act to codify, revise, and amend the penal laws of the United States", approved March 4, 1909, as amended by the acts of May 18, 1916, and July 28, 1916, which was read as follows:

Be it enacted, etc., That section 198 of the act entitled "An act to codify, revise, and amend the penal laws of the United States", approved March 4, 1909, as amended by the acts of May 18, 1916, and July 28, 1916 (U.S.C., title 18, sec. 321), be, and the same is hereby, amended to read as follows:

"Whoever shall willfully or maliciously injure, tear down, or destroy any letter box intended or used for the receipt or delivery of mail on any mail route, or shall break open the same, or shall willfully or maliciously injure, deface, or destroy any mail deposited therein, or shall willfully take or steal such mail from or out of such letter box; or shall knowingly or willfully deposit any mailable matter such as statements of accounts, circulars, sale bills, or other like matter, on which no postage has been paid, in any letter box established, approved, or accepted by the Postmaster General for the receipt or delivery of mail matter on any mail route, with intent to avoid payment of lawful postage thereon; or shall willfully aid or assist in any of the aforementioned offenses, shall for every such offense be punished by a fine of not more than $300."

Mr. O'MAHONEY. Mr. President, I offer certain amendments, which I ask to have stated.

The PRESIDING OFFICER. The amendments offered by the Senator from Wyoming will be stated.

The CHIEF CLERK. On page 1, line 9, after the word "box", it is proposed to insert "or other receptacle"; on page 2, line 3, after the word "box", to insert the words "or other receptacle"; on page 2, line 3, to strike out the words "or shall"; on page 2, to strike out lines 4 to 12, inclusive, and insert in lieu thereof "or shall willfully aid or assist in any of the aforementioned offenses, shall for every such offense be punished by a fine of not more than $1,000 or by imprisonment for not more than 3 years"; and on page 2, after line 12, to insert a new section, as follows:

SEC. 2. Whoever shall knowingly or willfully deposit any mailable matter such as statements of accounts, circulars, sales bills, or other like matter, on which no postage has been paid, in any letter box established, approved, or accepted by the Postmaster General for the receipt or delivery of mail matter on any mail route with intent to avoid payment of lawful postage thereon; or shall willfully aid or assist in any of the aforementioned offenses shall for every such offense be punished by a fine of not more than $300.

The amendments were agreed to.

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

MONEY COLLECTED BY POSTMASTERS ON MAIL

The Senate proceeded to consider the bill (H.R. 6676) to require postmasters to account for money collected on mail delivered at their respective offices.

Mr. WALSH. Mr. President, will the Senator from Tennessee explain that bill?

Mr. McKELLAR. The recommendations in the premises are based on a decision of the Supreme Court in the case of *Smyer et al.* v. *United States* (273 U.S. 333), in which it was held that moneys collected on c.o.d. mail are not public funds within the meaning of section 3846 of the Revised Statutes. In the same decision it was held also that such moneys are not money-order funds within the meaning of section 4045 of the Revised Statutes until they reach the possession of the person authorized to issue money orders.

Mr. WALSH. Is the bill in line with the decision of the Supreme Court?

Mr. McKELLAR. Yes; and it was recommended by the Department for the benefit of the Government.

The bill was ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 3846 of the Revised Statutes (U.S.C., title 39, sec. 46) is hereby amended to read as follows:

"Postmasters shall keep safely without loaning, using, depositing in an unauthorized bank, or exchanging for other funds, all the public money collected by them, or which may come into their possession, until it is ordered by the Postmaster General to be transferred or paid out. All money collected on mail delivered at their respective offices shall be deemed to be public money in the possession of the postmasters within the meaning of this section."

SURVEY OF NATCHEZ TRACE

The Senate proceeded to consider the bill (S. 2325) to provide for an appropriation of $50,000 with which to make a survey of the Old Indian Trail known as the "Natchez Trace", with a view of constructing a national road on this route to be known as the "Natchez Trace Parkway", which had been reported from the Committee on Post Offices and Post Roads with an amendment, on page 2, line 4, after the word "States", to strike out "the sum of" and insert in lieu thereof "a sum not exceeding", so as to make the bill read:

Whereas the Natchez Trace was one of the most ancient and important Indian roads leading from the territory in the section of Tennessee about Nashville in a southwest course, crossing the Tennessee River at Colbert Shoals a few miles below Muscle Shoals, thence passing in a southwest course through the Chickasaw and Choctaw Indian lands in what is now Mississippi, in an almost direct course by Jackson, Miss., to Natchez; and

Whereas the Natchez Trace is located throughout almost its entire length on highlands between watersheds on the most suitable route over which to establish the national parkway through a section of the country greatly in need of such road facilities from a national standpoint to connect the North and East directly with the Natchez, New Orleans, and southwest section of the country; and

Whereas the Natchez Trace was made famous for the service it rendered in affording General Jackson a route over which much of his forces moved to take part in Jackson's famous victory over the British at New Orleans, and also by reason of the fact that General Jackson returned with his army over this Trace to Nashville after the Battle of New Orleans; and

Whereas the Natchez Trace is known as one of the Nation's most famous old roads, and has been marked by handsome boulders with suitable inscriptions by the Daughters of the American Revolution at great expense, these boulders being placed every few miles from one end of the Trace to the other; and

Whereas unusual interest is being manifested in the building of a national parkway by the Government, Natchez Trace organizations having been perfected in almost every county through which the Trace passes; and

Whereas the Government has recently adopted a policy and set up a division in the Department of the Interior, known as the

"Office of National Parks, Buildings, and Reservations" to engage in a national way in laying out parks, reservations, and building parkways: Therefore

Be it enacted, etc., That there is hereby authorized to be appropriated, out of the Treasury of the United States, a sum not exceeding $50,000 to be used by the Department of the Interior through the Office of National Parks, Buildings, and Reservations with which to make a survey of the Old Natchez Trace throughout its entire length leading from the section of Tennessee about Nashville to Natchez, Miss., the same to be known as the "Natchez Trace Parkway." The said survey shall locate the Natchez Trace as near as practicable in its original route. An estimate of cost of construction of an appropriate national parkway over this route, and such other data as will be valuable shall be obtained by said survey with the objective of determining matters concerning the construction of the Natchez Trace Parkway.

The amendment was agreed to.

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

The preamble was agreed to.

PAYMENTS TO CHIPPEWA INDIANS, MINNESOTA

The Senate proceeded to consider the bill (H.R. 6166) providing for payment of $25 to each enrolled Chippewa Indian of Minnesota from the funds standing to their credit in the Treasury of the United States.

Mr. McKELLAR. Will the Senator from North Dakota [Mr. FRAZIER] explain the bill?

Mr. FRAZIER. Mr. President, I wish to say that the payments come out of the Indians' own private funds for the benefit of the Indians.

Mr. McKELLAR. If the payment is from the Indians' own funds, I have no objection.

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

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to withdraw from the Treasury so much as may be necessary of the principal fund on deposit to the credit of the Chippewa Indians in the State of Minnesota, under section 7 of the act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota", approved January 14, 1889, as amended, and to make therefrom payment of $25 to each enrolled Chippewa Indian of Minnesota, under such regulations as such Secretary shall prescribe. No payments shall be made under this act until the Chippewa Indians of Minnesota shall, in such manner as such Secretary shall prescribe, have accepted such payments and ratified the provisions of this act. The money paid to the Indians under this act shall not be subject to any lien or claim of whatever nature against any of said Indians.

ELEANORA EMMA BLISS

The Senate proceeded to consider the bill (S. 3044) granting a pension to Eleanora Emma Bliss, which had been reported from the Committee on Pensions with an amendment, on page 1, line 8, after the words "rate of", to strike out "$3,600 per year in lieu of all other payments and allowances" and to insert in lieu thereof "$100 per month", so as to make the bill read:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eleanora Emma Bliss, widow of Tasker H. Bliss, late general, United States Army, and pay her a pension at the rate of $100 per month.

The amendment was agreed to.

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

ORDER FOR CONSIDERATION OF CALENDAR TOMORROW

Mr. ROBINSON of Arkansas. Mr. President, it is apparent that the call of the calendar under the present order cannot be completed. After consultation with the Senator from Oregon [Mr. McNARY] and other Senators, I ask unanimous consent that at the conclusion of routine morning business tomorrow the Senate proceed to the consideration of unobjected bills on the calendar, commencing with the calendar number where we left off today.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent that at the conclusion of routine morning business tomorrow the call of the calendar for unobjected bills be proceeded with, beginning with the bill with which the call concludes today. Is there objection? The Chairs hears none, and it is so ordered.

OLD-AGE PENSIONS

The Senate proceeded to consider the bill (S. 493) to protect labor in its old age, which had been reported from the Committee on Pensions, with amendments. The first amendment was, in section 1, page 1, line 9, after the word "State", to insert "or Territory", so as to make the clause read:

SEC. 2. When used in this act—

(a) "Bureau" shall mean the Old Age Security Bureau.

(b) "State or Territory authority" shall mean the State or Territory authority charged with cooperating with the bureau.

The amendment was agreed to.

The next amendment was, on page 2, line 2, after the word "State", to insert "or Territory", so as to make the clause read:

(c) "Assisted person" shall mean a person entitled to receive assistance under a State or Territory plan approved by the bureau.

The amendment was agreed to.

The next amendment was, on page 2, section 3, line 9, after the word "State", to insert "or Territory", and in line 11, after the word "act", to insert the following proviso:

Provided, That the President is hereby authorized to allocate not to exceed $10,000,000 from any funds that may be made available for carrying out the terms of the Emergency Relief Act of 1933 for the fiscal year ending July 1, 1935, and the fiscal year ending July 1, 1936, to be expended as provided under the terms of this act.

So as to make the section read:

SEC. 3. There is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, the sum of $10,000,000, to be apportioned among the States or Territories as provided herein, to aid them in giving assistance to aged persons under the conditions of this act: *Provided*, That the President is hereby authorized to allocate not to exceed $10,000,000 from any funds that may be made available for carrying out the terms of the Emergency Relief Act of 1933 for the fiscal year ending July 1, 1935, and the fiscal year ending July 1, 1936, to be expended as provided under the terms of this act.

The next amendment was, on page 2, section 4, line 19, after the word "State", to insert "or Territory"; so as to make the section read:

ALLOTMENT NOT TO BE USED FOR LANDS

SEC. 4. No portion of any money allotted under the act for the benefit of any State or Territory shall be applied to the purchase, rental, erection, repair of any building, or for equipment, or for the purchase or rental of any lands.

The amendment was agreed to.

The next amendment was, on page 3, section 6, line 3, after the word "State", to insert "or Territory"; in line 5, after the word "State", to insert "or Territory"; and in line 9, after the word "State", to insert "or Territory"; so as to make the section read:

SEC. 6. In order to receive the benefit of this act, any State or Territory shall, through its legislature—

(a) Accept the provisions of this act;

(b) Empower and designate a State or Territory board or officer as the State or Territory authority to prepare the plan herein provided for, to cooperate with the bureau, and to supervise the expenditure of the funds; and

(c) Appoint the State or Territory treasurer as custodian of any allotment paid it under this act, who shall receive and provide for the proper custody and disbursement of all money so paid.

The amendment was agreed to.

The next amendment was, on page 4, section 8, line 2, after the word "State", to insert "or Territory"; in line 4, after the word "State" to insert "or Territory"; in line 8, after the word "State", to insert "or Territory"; in line 12, after the word "State", to insert "or Territory"; and in line 17, after the word "State", to insert "or Territory, and"; so as to make the section read:

SEC. 8. It shall be the duty of the bureau to carry out the provisions of this act, and to that end—

(a) To make the necessary rules and regulations;

(b) To examine plans submitted by a State or Territory authority for the disbursement of an allotment to the State or Territory under this act, and to approve such plans and any changes thereof;

(c) To make necessary investigations of the administration of any plan approved by it;

(d) To cooperate with State or Territory authorities and other agencies, public and private, for the purpose of improving the administration of old-age assistance and of studying the problem of old age in the United States;

(e) To withhold from any State or Territory the payment of any allotment or installment thereof when it decides that the money allotted is not being expended as provided in the plan;

(f) To certify to the Treasurer of the United States the amount of allotment to any State or Territory; and

(g) To take any other action necessary to carry out the purpose of this act.

The amendment was agreed to.

The next amendment was, on page 4, section 9, line 22, after the word "State", to insert "or Territory", so as to make the section read:

SEC. 9. When any allotment or any installment thereof is withheld by the bureau, the State or Territory affected may appeal to the Secretary of Labor, and from his decision to the President of the United States, who may either affirm or reverse the action by the bureau or the Secretary as he may judge proper. The bureau on receiving notice of the opinion of the Secretary or of the President shall take action to accord with it.

The amendment was agreed to.

The next amendment was, in section 10, page 5, line 6, after the word "State", to insert "or Territory"; in line 8, after the word "State-wide" to insert "or Territory-wide"; in line 9, after the word "State", to insert "or Territory"; in line 13, after the word "State", to insert "or Territory", and in line 14, after the word "State", to insert "or Territory", so as to read:

SEC. 10. The bureau shall not approve any plan submitted by the State or Territory authority which does not provide that—

(1) The plan shall be State-wide or Territory-wide, and if administered by subdivisions of the State or Territory shall be mandatory on such subdivisions.

(2) An old person entitled to relief under it:

(a) Is a citizen of the United States and a resident of the State or Territory for a period of years determined by the State or Territory law providing old-age assistance;

The amendment was agreed to.

Mr. McKELLAR. Mr. President, will the Senator from Kansas [Mr. McGILL] explain the bill? It seems to be a very important one.

THE AIR MAIL

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (S. 3170) to revise air-mail laws.

Mr. BLACK obtained the floor.

Mr. ROBINSON of Arkansas. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Arkansas suggests the absence of a quorum. The clerk will call the roll.

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

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

The PRESIDING OFFICER (Mr. BARKLEY in the Chair). Eighty-eight Senators have answered to their names. A quorum is present.

INCLUSION OF SUGAR BEETS AND CANE AS BASIC COMMODITIES

Mr. COSTIGAN. Mr. President——

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

Mr. BLACK. I yield to the Senator.

Mr. COSTIGAN. Mr. President, I have asked the Senator to yield because I am advised that his remarks will take some time, and I desire to bring up the conference report on the so-called "sugar bill." If there is to be a discussion, probably that conference report must go over another day. I wish merely to say to the Senators who have made inquiries this morning with respect to the conference report that the most urgent appeals continue to be received from the West for the immediate passage of this proposed legislation so that farmers may be advised how to proceed without further regrettable and costly delay.

Mr. NORRIS. Mr. President——

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

Mr. BLACK. I yield.

Mr. NORRIS. There has been a great deal of talk about an amendment which it seems has been added by the House of Representatives. I do not understand the parliamentary situation. The House seems to have added an amendment while the bill was in conference. I think we ought to have an understanding about that amendment. I do not understand how it got in the bill or what the nature of the claim is going to be for it. There will not be much debate on the report itself.

Mr. COSTIGAN. Mr. President, the conference committee has reported and I desire first to make a motion for the adoption of that report in order that the parliamentary situation may be advanced. I am permitted to make the motion by courtesy of the Senator from Alabama and if some discussion is to ensue this important subject will probably of necessity go over until tomorrow.

Mr. NORRIS. What about the amendment we have heard about?

The PRESIDING OFFICER. The Chair is informed that the House agreed to a certain Senate amendment with an amendment. That is the parliamentary situation.

Mr. BORAH. Mr. President——

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

Mr. BLACK. I yield.

Mr. BORAH. I may say to the Senator from Colorado that I am exceedingly anxious, as I said when we were considering this bill, if it is to be passed to have it passed speedily; but I think the amendment to which reference has been made is a pretty serious one. Why could we not dispose of the conference report, reject the amendment, and by joint resolution deal with the subject matter which is covered by the amendment?

Mr. NORRIS. Mr. President, I think from what the Chair has said there is not any conference report here. It is simply an amendment proposed by the House to the amendment of the Senate, and it comes back here not in the shape of a conference report.

Mr. COSTIGAN. I have sent to the desk the conference report. In addition to the conference report the House adopted an amendment to Senate amendment numbered 59. My first motion is for the adoption of the conference report. Thereafter, it is my intention to move that the Senate concur in the amendment of the House to the amendment of the Senate.

Mr. NORRIS. Mr. President, if the Senate concurs in the House amendment to the Senate amendment the bill at once becomes a law. The House amendment to the Senate amendment has never been in conference. I do not know whether the House has even appointed conferees.

Mr. COSTIGAN. There have been conferees appointed on the main bill.

Mr. NORRIS. I cannot see how the conferees can bring in an amendment to a bill and what legal effect it has, if there be such a thing. If the Chair has stated it correctly,

we have not any conference report to consider; we simply have an amendment on the part of the House agreeing to our amendment with an amendment.

Mr. COSTIGAN. With all due respect to the Chair, there is a conference report pending before the Senate.

The PRESIDING OFFICER. The Chair did not state that there was no conference report pending. The Chair was trying to clear up the parliamentary situation in reference to the amendment to which the Senator from Nebraska refers. The parliamentary clerk informed the Chair that that was in the form of an amendment to a Senate amendment.

Mr. NORRIS. To what?

The PRESIDING OFFICER. An amendment on the part of the House to a Senate amendment upon which the conferees had not agreed. Agreement to the House amendment to the Senate amendment is a separate proposal, in addition to the conference report which covers all other matters upon which agreement has been entered.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. NORRIS. Suppose the Senate agrees to the conference report, why does not that end it, if there is such a thing as a conference report?

The PRESIDING OFFICER. It frequently happens that conference reports are brought in which are not complete conference reports of the whole question in controversy. It seems that is the situation. A conference report has been presented dealing with matters which are in agreement between the conferees and this amendment is an amendment that must be voted on separately and not covered by the conference report.

Mr. NORRIS. The conference report, then, is not a complete agreement?

The PRESIDING OFFICER. Apparently not.

Mr. BORAH. The conference report shows that it is a complete agreement.

The PRESIDING OFFICER. Of course the Senate can adopt the amendment which will be voted on separately and agree to it and that would end it, provided it agrees to the conference report which has been brought in on other matters.

Mr. McNARY. Mr. President——

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

Mr. McNARY. I think it was clearly understood that the Senator from Alabama should speak following the conclusion of the call of the calendar. I am sure that the question now before the Senate will lead to debate, and I implore the Senator from Colorado not to press the conference report at this time.

Mr. BORAH. Before we dispose of it, however, let us have an understanding about it. The amendment which was put on by the House concerns a subject matter which was never in conference; it deals with an entirely new subject.

How can it possibly get back here in a conference report?

The PRESIDING OFFICER. The conferees, as the Chair understands, did not consider the amendment. It was an amendment on the part of the House to Senate amendment numbered 59, which is now subsequently accepted with an amendment, which is a separate proposition, but one that was not before the conferees. Though it is a part of the bill, it is not embraced in the conference report.

Mr. NORRIS. Does the conference report reach an agreement on the Senate amendments?

The PRESIDING OFFICER. All except Senate amendment numbered 59, which is involved in this controversy and which is before the Senate for separate action. That is the amendment upon which the Senator from Colorado suggests he will move to concur in the House amendment.

Mr. COSTIGAN. Mr. President, in view of the necessity for continuing the discussion, there is nothing for me to do except to thank the Senator from Alabama [Mr. BLACK] at this time for his courtesy and to await a more appropriate moment for bringing up the conference report.

THE AIR MAIL

The Senate resumed consideration of the bill (S. 3170) to revise air-mail laws.

Mr. BLACK. Mr. President, it is my intention at the present time to discuss the air-mail legislation and certain facts which have been presented in this body, and certain proposals, in order that the Senate may have before it sworn evidence appearing before the committee. I regret that it may take a longer time than I should like to give to the discussion, but it has seemed to me that it is very essential that the matter be presented to the Senate at this time.

There is pending or will be pending a proposal by the Senator from Vermont [Mr. AUSTIN] and certain of his associates which would require by law, as I understand, a restoration of the air-mail contracts to those companies who held such contracts, certificates, and extensions previous to the cancelation by the Postmaster General.

I desire to preface my remarks by stating that this is not merely an issue as to any individual personality, nor is it an issue as to any group of people. It will be necessary in the course of my remarks, however, to refer to a number of individuals who have participated in the program which was set forth with reference to air mail. Some of the individuals have had a great part in the proceedings, some have had a smaller part; but it would be wholly and completely impossible to discuss what I consider to be a network of intrigue, chicanery, manipulation, and fraud, without bringing into the picture those who have participated from time to time, some to a greater extent and some to a lesser extent, to bring about the results which were accomplished.

It is my intention in the very beginning to discuss the question of the Government canceling contracts. There are certain well-recognized principles of law which I shall mention and with which every lawyer is familiar. There has been a deliberate effort on the part of certain groups in America to mislead the public, not only as to the right of cancelation of a contract for fraud but as to the duty to cancel a contract for fraud. There has been a deliberate effort to pass out information and facts without distinguishing between fraud which is the basis of a criminal prosecution and fraud which is the basis of civil action.

In the first place, I do not believe there is any lawyer in America who has a hornbook knowledge of law who will deny the statement of fact that every individual who enters into a contract with another individual is entitled to cancel or annul that contract if it was entered into as a result of fraudulent conduct on the part of one of the parties. That right which exists on the part of an individual exists by established custom on the part of the Government, whether municipal, State, or Federal.

There has been a consistent effort on the part of certain subsidized editorial writers to confuse the public and to leave it with the impression that something has been done which is out of the ordinary. We have heard the word "un-American" falling from the lips of people who know nothing about law or who, if they do know anything about law, know in their hearts that it is not only the right but it is the duty of any public official to cancel any contract made as a result of fraud. Not only that, but it is the duty to cancel that contract as soon as the fraud is discovered. There can be no vacillation, there can be no hesitation, there can be no delay. According to the several principles of law, if there has been a discovery of fraud, it is the right and it is the duty of the person who would repudiate that contract to do so without delay.

I read from the Supreme Court of the United States, which even those from whose lips fall so trippingly the word "un-American" will surely not deny is a thoroughly American institution. I read from one case only, but there are multitudes of others.

I read from the case of *Grymes* v. *Sanders et al.* (93 U.S. p. 62):

> Where a party desires to rescind upon the ground of mistake or fraud, he must, upon the discovery of the facts, at once announce his purpose and adhere to it. If he be silent, and continue to treat the property as his own, he will be held to have waived the

objection and will be conclusively bound by the contract, as if the mistake or fraud had not occurred. He is not permitted to play fast and loose. Delay and vacillation are fatal to the right which had before subsisted.

I cannot believe that those who have been so bold in their charges of "un-Americanism" will suggest that the United States Supreme Court is an un-American organization. The United States Supreme Court, along with the courts in every State in the Union, following the settled principle of Anglo-Saxon jurisprudence, has announced that if there is fraud in the making of a contract it is the duty of the person who would cancel it to do so immediately upon the discovery of the fraud; and if he waits, he abandons his right.

Now let us see, just for a moment, what would be the effect of any other course.

These mail contracts are running contracts. They are executory contracts. In other words, they have not been completed on either side. There are those who say, "Go into the courts before you repudiate your contract"; but there is not a single one of those individuals, if he had been to a mercantile establishment in the city of Washington and had purchased something and later discovered that he had been defrauded, who would have advanced the idea that it would be un-American to go down to that mercantile establishment and say, "You cheated me. You defrauded me. I cancel my contract." According to their theory, the natural thing for him to do, if he had been sold an inferior and shoddy suit of clothes, with moth-holes in it that he knew nothing about, would be to go down to the store and say, "Look here; you sold me an old, worn-out suit of clothes, and told me it was a good one. Now, I want the privilege of going into the courts and bringing a suit to determine whether I shall keep this moth-eaten suit of clothes, or whether I shall continue to pay you what I owe for it."

That is the theory which those who say this cancelation is "un-American" would have us follow.

In other words, here are contracts involving sums which are to be paid from month to month, or from week to week, or from year to year; and those who attack the action of the Postmaster General have been bold enough to assert in the press and in other places that it was his duty to let the contractors keep on carrying the mails, to let them keep on defrauding the Government, to continue paying them more than twice what it was worth to carry the mail, while the rights of the citizens suffered in order that those in whom they were interested might continue to reap the benefits of a fraudulent contract.

What is the remedy? The contractors have a remedy just the same as every other individual. If a contract has been broken on the ground of fraud, section 250 of the Judicial Code gives every one of the companies whose contracts were canceled a right to go into the Court of Claims and sue. When they go there, it is the duty of the Government to prove that the contracts were canceled rightly. It is the duty of the Government to prove that they were conceived and born and executed in fraud.

No suit like that has been filed. Why? The contractors did go into court and file a suit that every lawyer in America knows could not be maintained, and they knew it could not be maintained, but it would not bring out into the court the facts of fraud. They then filed a second suit which they know will not bring the facts out into the court. All the time the doors of the Court of Claims have been open, waiting for them to come in; but if they go there they will go to a court which has jurisdiction. The Government invites them to go there, and if they do so the Government then will assume the burden of proving fraud, and it will prove it to the satisfaction of everybody in America, unless he is a stockholder of the company, or unless he has an improper conception of what amounts to fraud and collusion.

Let the contractors go into the courts. They do not want to go into the courts. They have preferred, up to date, to attempt to try the matter by propaganda—propaganda in some of the very papers owned by the beneficiaries of the fraudulent contracts, as the record shows, and as I shall later point out.

Mr. President, let me repeat: The courts are open. The contractors can go there. They could file suit today if they desired to do so. The day they file suit, the Government is ready to go in and join issue, and prove their fraud out of their own mouths.

We have heard a great deal said to the effect that this cancelation was contrary to precedent, and un-American. That word has fallen from the lips of some whose sires have taken a different viewpoint. This is not the first time contracts have been canceled for fraud. It is not the first time they have been canceled for fraud in the Post Office Department. It is not the first time that a man named Roosevelt, through his Postmaster General, has canceled contracts for fraud.

There have been three major scandals in the United States in the Post Office Department. Strange to say, the machinations, the methods, the means used have been identical in each instance. One of them occurred back 100 years ago, and a Senate committee reported upon that fraud 100 years ago this year. When that Senate committee began its investigation it was hampered and handicapped by those who said it was a partisan investigation. The Senate debates reveal exactly the same arguments that the debates here reveal. There were those who said, "This is but an effort to besmirch an administration."

How did those who were guilty of fraud in that case work it? They worked it by extensions, by expedition—that is, a little more expeditious service, just as they have done in this case—by combinations to bid, and by granting extra allowances; the exact methods that were adopted later, in 1880, and 50 years later in 1930. Fifty years apart the three scandals came.

As soon as that fraud had been turned up over the objection of certain Members of the United States Senate in 1834, as soon as the facts had been developed, a man whose name many Senators will remember, Amos Kendall, who had come into the Post Office Department, without delay cut off the beneficiaries of fraud, and declared that this was a Government run upon an honest basis. There was no trial then.

In 1861 a man was President whom I have heard many Members on the other side extol. I have heard many Members on this side extol the qualities of Lincoln. There is a monument set up for him here in the city of Washington. It was reported to Mr. Lincoln in 1861 that there were a number of mail contractors in the States of Maryland, Virginia, Missouri, and Kentucky who were not loyal to the Union. He did not wait for a trial. He did not wait in order that the question might be determined before a court of justice. Right or wrong, he canceled their contracts by the wholesale; and I have not yet heard any of the gentlemen from whose lips the word "un-American" falls so trippingly condemn that as an un-American action.

A little later a man named Hayes became President of the United States, though not exactly by the regular channels. Mr. Hayes was President for 4 years. During the next administration the Postmaster General under President Garfield made the statement that the postal contracts during the period of President Hayes' administration were the most disgraceful that had ever been made up to that time in the history of the Nation. What did the contractors of that period do? They used expedition, speed, extra allowances, combinations, to defraud the Government of the United States.

On March 4, 1881, Mr. Garfield became President. I desire to read what happened with reference to that President, who came from the State of Ohio. His Postmaster General reported to him that there was fraud and collusion. I desire to commend to those who have heretofore taken a partisan standpoint the position at that time assumed by President Garfield.

On March 9th, 5 days after President Garfield assumed his office, he called in his Postmaster General to discuss with him the postal contracts. He did not wait. He had been

told that those contracts were fraudulent; and, believing that, he conceived that it was not only not un-American but it was American to seek to ascertain whether or not they were fraudulent, and to take action with rapidity. So, 5 days after he became President he sent for his Postmaster General. I have a complete report of what occurred. I shall read a few lines. Let me read what occurred, according to the statement of the Postmaster General under oath, a short time thereafter.

First, President Garfield told his Postmaster General to investigate the routes, and to pursue the investigation until there were no more facts to ascertain. He turned it over to the Postmaster General and to the Attorney General. He instructed the Department of Justice to cooperate with the Postmaster General.

Let me read what the Postmaster General said a few days later:

> Swift and sure came the conviction that the *personnel* of the Department, and of some branches of the Service, was intensely hostile to the new order of things, and must be purged. No sooner had this work begun than bitter and malignant attacks appeared in the columns of star-route organs on the President, the Attorney General, the Postmaster General, and whoever else was suspected of a disposition to promote clean, honest, and businesslike methods. Swarms of contractors, their attorneys and beneficiaries raised a deafening clamor, and made common cause against the administration.

Strangely familiar are those words, strangely familiar. On whom did they make war through their partisans and through their subsidized press? On the administration, the Postmaster General, the Attorney General, and on anyone else who they thought had anything to do with trying to promote a clean, honest, and businesslike administration.

There is nothing strange about that. Let us see what position the President of the United States, Mr. Garfield, took in the face of this pressure. President Garfield was from Ohio, and I commend him to modern citizens of this Nation. Remember, this is the statement made by the Attorney General to President Garfield:

> Before a final decision remember that these proceedings may strike men in high places, that they may result in changing a Republican majority in the United States Senate into a Democratic majority; that it may affect persons who claim that you are under personal obligations to them for services rendered during the last campaign—and one person in particular who asserts that without his management you could not have been elected. Look these facts squarely in the face before taking a final stand, for neither the Postmaster General nor myself will know friend or foe in this matter.

Let us see what the President said:

> The President walked across the room, reflected a moment, and said, "No; I have sworn to execute the laws. Go ahead regardless of where or whom you hit. I direct you both not only to probe this ulcer to the bottom, but to cut it out."

That is the language of a man who placed principle above party. That is the language of a man who, in the face of the most active and hostile press, in the very teeth of men of his party who were seeking to divert him from the course which would lead to honesty and fair dealing, said, "I direct you to go to the bottom and to cut the ulcer out."

There was no hesitation there, and there was no hesitation when the inspectors made their report. They did not wait even for a Senate investigation, where the representatives of the contractors were called before a committee and testified under oath. There was no delay. The parties kept on. They kept hounding Garfield until the very day he became a martyr while President. Their subsidized press, with their charges that he was unjust and unfair to the contractors, made his life miserable, and even on Wednesday before his death on Saturday he was informed, according to the sworn evidence, of the immense hostility and venom which these people and their satellites bore toward him.

Let us see what he did. The inspectors' reports on star routes were examined by Messrs. Woodward, Gibson, and Lyman as fast as they were received, and orders reducing the service were at once issued. There were 93 of them. They did not wait. The martyred Garfield did not think that it was incumbent upon him to treat a criminal, or a man who had defrauded his Government, in any other way than to take from him the benefits of his fraud; so, as fast as the inspectors reported to him, the contracts were reduced, and we find in the next sentence that the total amount of the reductions of star and steamboat service, these inseparable twins in fraud, from March 1, 1881, to December 31, 1881, were $2,004,550, out of $7,000,000 of contracts.

Was that un-American? Was that contrary to the principles of the party followed by those on the other side of the aisle? Was it un-American, that Garfield, in the face of the greatest hostility which had been put up against a man up to that time, stood by his guns, even though the fraud had been perpetrated under an administration of his own party?

I commend this action of the martyred Garfield to those who have sought in every conceivable manner in this country to stir up opposition on the basis that an act is un-American when it was followed in the days of Jackson, was followed in the days of Lincoln, was followed in the days of Garfield, and was followed in the days of Theodore Roosevelt. Not only that, but it has been followed in every administration in this Government since the very beginning of its history. Senators will find the records filled with cases, not only of Post Office contracts, but every other kind of contracts, where, immediately upon the discovery of fraud, the honest official took away the benefits of the fraud.

A report was made upon that action by the assistant to the Attorney General, who was appointed for the purpose of prosecution, and there is one very interesting clause in his report. The report was made by Mr. A. M. Gibson, Assistant Attorney General of the United States, and I should like to have Senators note this in the report, which was dated October 31, 1881. It is rather material in connection with certain incidents which have occurred in the pending proceeding.

> SIR: In accordance with the instruction of your predecessor, I submit to you some of the results of the investigation which, at his request, I have made. I have dealt chiefly with the administration of the contract office of the Post Office Department during the term of the late Second Assistant Postmaster General, Thomas J. Brady, and correlative subjects. For manifest reasons it would not be prudent in this report to disclose all the facts discovered by the investigation pursued by the representatives of the two departments, or to indicate a tithe of the evidence, which must be reserved for the courts of justice.

The same thing is true now. The Department of Justice, acting in harmony with the Post Office Department, just as it did under the order of President Garfield, has the right to pursue its course unmolested, unhampered by any other coordinate branch of the Government; and it will, I think.

I now desire to read to the Senate the statement of another Roosevelt, not a member of the Democratic Party, but an honest man, a courageous man, a man who looked at fraud with horror. He knew no distinction between the man who defrauded his Government who bore the label of a Republican and one who bore the label of a Democrat. It was immaterial to him. Let us see what he did, and see if that, too, was un-American.

During the administration of Theodore Roosevelt, he discovered that a considerable number of employees of the Post Office Department were engaged in making contracts with persons for services and supplies in a corrupt manner, and contrary to law. These Post Office officials were purchasing ink, labels, wrapping twine, pads, books, money-order forms, satchels, and other commodities. They and the bidder entered into combinations for the purchase of supplies. The cases were thoroughly investigated by a large number of post-office inspectors, and their report shows that all the contracts where fraud had been discovered had been annulled. These contracts were summarily canceled. There were no hearings held before a Senate committee, where the officers of these companies were placed under oath and were compelled, in the face of destroying the records, to admit facts which showed fraud.

Let us see what President Roosevelt said about such a situation. President Theodore Roosevelt—and I commend this to others who bear his name—said this:

No crime calls for sterner retribution than the crime of the corruptionist in public life and of the man who seeks to corrupt him. All questions of difference in party politics sink into insignificance when the people of this country are brought face to face with a question like this, which lies at the root of honest and decent government. On this question, and on all others like it, we can afford to have no division among good citizens. Self-government becomes a farce if the representatives of the people corrupt others or are themselves corrupted. Freedom is not a gift which will tarry long in the hands of the dishonest or of those so foolish or so incompetent as to tolerate dishonesty in their public servants. Under our system, all power comes from the people, and all punishment rests ultimately with the people. The toleration of the wrong, not the exposure of the wrong, is the real offense.

That was the statement of President Theodore Roosevelt, and he canceled every contract which, according to the reports of his inspectors, was tainted with fraud and with collusion.

Was that un-American? They had no trial. They had a right, however, to go into the Court of Claims and sue, and, like others who up to this date have not dared to file a suit where there can be brought out into the light of open day the slimy and insidious trail which they followed, these contractors did not go to court. They knew that the evidence was sufficient to blast any case they might bring.

So we find Theodore Roosevelt, a man with courage, a man with honesty, a man who placed principle above his party where fraud and corruption and crookedness were involved, summarily canceling the contracts of all of those his inspectors reported to him had been guilty of corruption.

In 1925 Mr. Harry S. New was Postmaster General. There were two bids on an air-mail route between Pueblo and Cheyenne, Wyo. It was alleged to Mr. New that there was an agreement between certain people whereby the Government was deprived of the benefit of competitive bidding. On August 27, 1927, when Mr. New discovered this, he wired—he did not write, but he sent a message by telegraph—annulling the contract without notice and without hearing. Later in the day he was requested not to put the order into effect until he could secure a copy of the agreement between the operators.

In the case now before us we have copies. Of course, we do not have the originals because, unfortunately, they were destroyed by fire; but we have the copies.

Six days later, on September 3, Postmaster General New received a copy of the agreement, and in a long memorandum he planted his feet upon the ground of honesty and decency and canceled the contract. There was no trial. The Government had been defrauded, and he knew it. He would have been unworthy to occupy his office a single day if he had not canceled that contract immediately. He did it. That order has never been revoked.

Mr. President, so much for the precedents. It is not necessary to cite such precedents in this Nation if it is still honest. Of course, if we have sunk to so low a base, if we have descended to such a level of degradation and dishonesty, that it can be said that all one has to do is to raise the cry of "persecution", and dishonesty becomes a noble thing, then we need precedents. But I invite attention to the fact that this is not the first time persecution has been charged. Political persecution was charged in 1833.

Again it was charged in 1884. Every time any man connected with a public office has ever been exposed in crookedness and corruption, he has tried to hide behind the cry of "persecution for political motives." There is nothing new in that. Those who seek to protect him always, through the press and every other conceivable manner, cry "this is a political persecution." I wonder if there is a man here who has ever known of any public official being indicted for violation of the law who did not claim it was political persecution? If it is proved that a man has taken $200,000 or $400,000 or $1,000,000 from the Government, there is the same cry, "this is political persecution." That is what Postmaster General James said was charged when the Department got after the star-route operators in 1882.

I desire to call attention now to some of the evidence which should prove to any fair-minded man that the contracts which were canceled were conceived in iniquity and were executed in crime and corruption.

I call attention first to the fact that before the McNary-Watres Act was passed in April 1930, there were 25 domestic air-mail contracts. At that time 11 of them were owned by the Aviation Corporation of Delaware or its associates and subsidiaries; 4 by United Aircraft; 4 by North American Aviation, and 2 by Western Air Express. At the same time there were 17 nonmail operators who had passenger, or passenger-and-express lines in various parts of the country. They had no mail contracts.

It might be of interest at this point to give the Senate the names of a few of the leading directors of the four companies holding 21 of the 25 mail contracts at that time; and if I had time it would be interesting to show how many aviation companies were organized in the latter part of the year 1928 and the first part of the year 1929. I shall mention a few of the outstanding directors:

Roy D. Chapin, later Secretary of Commerce.
Herbert Fleishacker, banker, San Francisco.
Paul Henderson, formerly Assistant Postmaster General.
Leonard Kennedy, of Hayden Stone & Co.
E. H. Reynolds, Chicago banker.
D. M. Sheaffer, of the Pennsylvania Railroad.
William H. Vanderbilt; and it is very interesting to note that this is not the first time a Vanderbilt has been interested in mail contracts, as shown by the records of previous investigations.
Davis K. E. Bruce, son-in-law of the Secretary of the Treasury under the past administration.
W. W. Crocker, of San Francisco.
J. M. Franklin, of the International Mercantile Marine, in which Postmaster General Brown held stock.
Harry S. New, formerly Postmaster General.
Gen. Mason M. Patrick.
Herbert Hoover, Jr.
Harry Chandler, of the Los Angeles Times.
Henry M. Robinson, of Los Angeles.

Let us see who drafted the Watres Act at that time. A great deal can depend upon how an act is drawn. I read from the evidence of the vice president of the United Air Lines, Mr. Paul Henderson, given under oath; and I call attention to the fact that the United States Supreme Court has held—and I shall read that opinion later—that when a representative of a company comes before a Senate investigating committee, the evidence given there can be used in the trial which subsequently occurs with reference to the contracts.

I read from page 1460, part 4, of the record:

The CHAIRMAN. At the time the McNary-Watres Act was being prepared, will you state whether or not you took part in any conferences in connection with the drawing up of the act?
Mr. HENDERSON. Yes, sir.
The CHAIRMAN. Who participated in those conferences?
Mr. HENDERSON. Practically the same group I have recited as being present in the meetings, except smaller in number.
The CHAIRMAN. Who were there?
Mr. HENDERSON. Mr. Hanshue, of the Western. He was in attendance in these meetings.

* * * * * * *

The CHAIRMAN. Who else were there?
Mr. HENDERSON. All the then air-mail operators.

Not only were they all there, but their attorneys were there.

Now, let us see what was the purpose in drawing up this act. I desire to present the picture, if I can, in a consecutive way.

Mr. Hanshue was on the stand, the officer of the Western Air Express. Remember that he is an officer of the company, and I shall later call your attention to the statements he made with reference to these contracts (part 7, pp. 2975–2976).

The CHAIRMAN. Senator AUSTIN asked you a rather long question about the reasons for attempting to pass the Watres bill. I should like for you to state yourself what were the reasons for attempting to pass the Watres bill, and see how it coincides with the answer, "Yes, sir", which you gave him.
Mr. HANSHUE. The reasons for the passage of the Watres bill were because the Kelly bill, under which we were operating, was paying at the rate of—was paying on the basis of poundage, and provided for no extensions or consolidations, and it is my under-

standing that the Postmaster General wanted legislation which would provide for these things plus——

The CHAIRMAN. Provide for which things?

Mr. HANSHUE. For the extensions and consolidations, plus the authority to negotiate the price which the Post Office Department would pay for carrying the mail.

The CHAIRMAN. Now, can you think of any other reasons? Let us have them all.

Mr. HANSHUE. One of the reasons was he wanted a provision in the Watres bill to put mail on passenger lines without the necessity of bidding.

The CHAIRMAN. Without the necessity of bidding?

Mr. HANSHUE. Yes.

The CHAIRMAN. Now, can you think of any others?

Mr. HANSHUE. I don't think I can.

In other words, beginning before the act was passed the plan was, the scheme was, to let the contracts without competitive bidding. Let us see what Postmaster General Brown himself says, under oath, was the reason he wanted the bill passed when it was about to be passed. I quote from him, as follows (hearings on H.R. 9500, p. 110):

So the problem was to find some method of promoting passenger lines.

Note that, because it is very important. He refers to passenger lines as those that were then operating passenger service but were not carrying mail. So, he tells the committee:

So the problem was to find some method of promoting passenger lines. Well, during the last calendar year passenger lines sprang up all over the country, some operated by people who had air-mail contracts and many by those who had not. The impression seemed to get out that it was an industry that was coming very fast, and that there were opportunities for great profit in it.

Without exception, they lost money. There was not a passenger line in operation in 1929 that did not lose money.

When we got to studying this problem in the autumn of last year, the problem of the passenger operators, they were discouraged and about ready to give up.

Note that. Mr. Brown was telling the committee that he wanted to take care of the passenger operators who did not have mail contracts, and I will show later on by his sworn testimony before the committee that he called them all together knowing they could not agree, and knowing that they could not get any contracts, and they folded up and quit.

That perhaps stimulated us to try to formulate a plan which would give them some hope to carry on until the public should be educated to travel by air.

Appearing for that bill before the House committee were Messrs. Brown, Glover, MacCracken, Paul Henderson, formerly Assistant Postmaster General and then connected with the airlines; and other representatives of the Aviation Corporation of Delaware, the Western Air Express, United Aircraft, and North American.

What happened when that bill got there? Postmaster General Brown presented a bill to Mr. KELLY. According to the evidence, he attempted to get Mr. KELLY to offer a bill which would do away with competitive bidding and give him complete power to let the contracts as he saw fit. Mr. KELLY declined to do it. It was then taken to Mr. Watres. I shall not read the bill at this time, but it will clearly appear in section 4 of the bill, as it was originally written, that it did not provide for competitive bidding. While that bill was pending, the matter was submitted to Comptroller General McCarl for an opinion. Comptroller General McCarl called attention to these facts in connection with the bill in which Postmaster Brown wanted to eliminate competitive bidding. Comptroller General McCarl said, in part, as follows:

The provisions of section 3079, Revised Statutes, require generally that all contracts in any of the departments of the Government, except for personal services and except in cases of emergency, be made after advertising a sufficient length of time previously respecting same. Among the apparent purposes of this requirement are:

(1) To give all citizens an equal right to compete for their share in the Government's business;

(2) To prevent fraud and collusion on the part of officers and employees in the awarding of Government contracts; and

(3) To obtain for the Government the benefit of getting its needs supplied at the lowest prices available.

Under our system of government—

Says General McCarl—

it is necessary that there be checks and balances in the administration of the Government, and whenever the Congress fails to control by law the discretion of purchasing and contracting officers of the Government with adequate machinery to enforce that control it opens the door to fraud, favoritism, waste, and extravagance.

We shall show the Senate that every one of these things occurred in connection with the air-mail contracts.

Responsible, loyal, and conscientious administrative heads of the departments and establishments of the Government—

Says Comptroller General McCarl—

drawn for intervals from the body politic to serve their Government—should not be subject to the pressure of would-be contractors, nor should legitimate contractors be required to indulge in questionable practices in order to secure public contracts.

The minority of the committee filed a report against the bill which eliminated competitive bidding. After the bill reached the House a conference was held by Postmaster General Brown with Speaker Longworth and the other members of the steering committee, attempting to get them to pass the bill as it was written without a provision for competitive bidding. After a lengthy discussion it was decided the bill could not pass the House in that form. So they were compelled to insert in that bill a provision for competitive bidding.

The reasons of Mr. KELLY for opposing that bill will be found in the CONGRESSIONAL RECORD, volume 72, part 7, pages 7376 and 7377. I shall not read them here, but I shall ask at this time unanimous consent to insert into the RECORD at this point a portion of the statement of Mr. KELLY with reference to his opposition to this bill as it was originally written.

The PRESIDING OFFICER (Mr. OVERTON in the chair). Is there objection to the request of the Senator from Alabama? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

[CONGRESSIONAL RECORD, vol. 72, pt. 7, pp. 7376–7377]

Mr. Speaker, I could not support the bill as it came from the Post Office Department nor as first reported out of the Post Office Committee. I opposed it as vigorously as possible in the belief that such arbitrary power granted to any man would lead to abuses which would endanger the entire Air Mail Service.

There is an additional feature contained in section 4 of this amendment. It provides for special aid to passenger-carrying lines which now have no air-mail contracts. Where the air mail moving between designated points does not exceed 225 pounds or a required capacity of 25 feet, a contract may be let * * * at a rate not to exceed 40 cents a mile.

The bidders need not have been operating the route on which bids are asked, but operation on a route anywhere in the United States will meet the requirement.

Under this provision every air passenger line will have an equal chance to bid for the carriage of mail by aircraft.

[CONGRESSIONAL RECORD, vol. 72, pt. 7, p. 7376]

(Representative KELLY's substitute and reasons therefor:)

These three laws are those dealing with the Air Mail Service. In every instance Congress has required advertising for bids and award to contractors after competition. In no case has there been an attempt to give power to the Postmaster General to award contracts without bidding. The policy has been to make air mail a respectable postal service and one which would be paid for by those who desire to use it.

It is our thought that the conservative policy of Congress in the past should be retained.

The Kelly amendment to section 4 now contained in this bill is amended to remove the dangers of favoritism and fraud in the award of contracts.

Mr. BLACK. Mr. President, it is sufficient to call attention to the fact that Mr. KELLY said he would not have supported the bill as originally written because it made the Postmaster General practically a czar, as he stated in some of his remarks with reference to air-mail contracts, and he assured Congress that—

Under this provision, every air-passenger line will have an equal chance to bid for the carriage of mail by aircraft.

Note that. Congress had declined to pass the bill. They found out they could not pass it, and Mr. KELLY rose on the floor and told the House of Representatives that he would not have supported the bill in its original form, and assured Congress that "under this provision every air pas-

senger line will have an equal chance to bid for the carriage of mail by aircraft."

Mr. KELLY then had a substitute offered for the bill. The substitute bill provided for competitive bidding. It retained the provision with reference to certificates, which had originally been placed in the Kelly bill, as the evidence shows at the instance of Mr. MacCracken, attorney for the air-mail operators. This certificate feature authorized the Postmaster General to grant an extension of the contract in point of time under certain new conditions for a period not exceeding 10 years. This bill also had in it when it was offered—note this, because it is very important—a very short provision of about three or four lines, being section 7. Remember that it had that provision in it at the time when it did not provide for competitive bids. Here is the provision to which I refer:

The Postmaster General in establishing air-mail routes under this act may, when in his judgment the public interest will be promoted thereby, make any extensions or consolidations of routes which are now or may hereafter be established.

Remember that that provision was in the bill at the time Mr. Brown took it to the committee and when it contained no provision on earth for competitive bidding. In other words, it was simply a provision with reference to extensions. The reference to it in the hearings was very short, but the Postmaster General did call attention to the fact in his evidence that certain parts of the air-mail map were illogical and that by slight extensions of service they could be made more logical. Nobody anticipated at that time, according to the sworn evidence before the committee by the officers of the companies themselves, that that little clause would be used to extend, without competitive bidding, more than 8,000 miles of lines throughout the United States. Nobody anticipated that it would be used to extend, without competitive bidding, a line practically from the northern boundary of this country to the southern boundary. I shall show a little later what the officers of the companies themselves said about the method of extensions. We have now the bill as offered. I say that no one contemplated that that should be done.

At this point I am going to read from a letter of the counsel in chief for the Transcontinental and Western Airways with reference to what he thought about these extensions. These are the extensions which we have heard were all legal and in the public interest. I read from a photostatic copy of the letter written on March 3, 1932, by Mr. C. W. Cuthell:

Here is what Mr. Cuthell, the attorney for the company, said:

If Cord had not made the great mistake of making an unfair cut in his pilots' wages, thereby losing the support of several of the Congressmen, it seems to me we would have had an excellent chance of having the Mead bill passed, because, as you know, I have always felt that the Postmaster General exceeded his authority under the Watres bill in respect to the extensions.

That was not only the viewpoint of the attorney for the Transcontinental and Western, but it was the viewpoint of the men who had this conference in May 1930. The vice president of one of the companies stated that he thought it was a joke when they first suggested they would follow any such course. So he went to the chairman of the committee and gave his views, the chairman being Mr. MacCracken, and later on he talked to another lawyer, and that night he and the members of his company talked to a second lawyer. So much for the original extension.

At that time the air-mail operators got busy. They were having trouble getting the bill through the House. They later had trouble getting it through the Senate. The record is filled with telegrams and letters telling them to bring people here and to continue their activities in connection with the bill. They were not satisfied with their regular paid lobbyists in Washington, and they had a number of them, but they had numerous special representatives come to Washington. They were not satisfied with Mr. MacCracken, Mr. Henderson, Mr. Brittin, Mr. Woolley, and all of the numerous other representatives the air-mail operators had, but they sent out in the field a Macedonian call for help. Help came in the form of telegrams; it came in the form of letters; it came in the form of personal solicitation. It came in the form of letters and memoranda from prominent newspaper people throughout the Nation.

It was impossible for us in the beginning to find out who all the people were that were employed. In answer to our first questionnaires we did not get the facts, and perhaps we have not yet obtained the names of all who represented them in Washington. It has been difficult to extract the information, but we obtained here and there a bit of evidence as the days and months wore on.

I desire to call attention, however, to the method by which they worked in connection with the Watres Act. This was the work of no $50 a month lobbyist. It will be noted that there has been a great deal of talk about what was done for the schedule operators by a lobbyist who was drawing the munificent sum of $50 a month. These gentlemen were drawing $15,000 a year, $20,000 a year, $3,000 for 2 days, and various other sums. Here is the way we find one of them was acting who was here in connection with the Watres bill. I read part of a letter dated May 16, 1930, from Mr. C. R. Smith, general manager of the Southern Air Transport, to Mr. Graham B. Grosvenor, president of the Aviation Corporation.

We have received your letter concerning the expenses incurred by Mr. Henry Zweifel while engaged in Washington working on the passage of the Watres bill, and atttached hereto is a statement amounting to $5,639.93, which represents the amount we have expended to date on his expenses.

The whole history of this transaction is as follows: Mr. Barrett and Mr. Zweifel went to New York in January, and upon their return I was informed by Mr. Barrett that the Aviation Corporation had contracted with Mr. Zweifel to represent it in Washington. The question as to who was to pay the expenses incurred by Mr. Zweifel was raised. We were anxious to relieve our division of as much expense as was possible, and suggested that we either secure the money for the expenses from the New York office or that we charge such expenses paid by us to the Aviation Corporation, but Mr. Barrett informed me that the employment of Mr. Zweifel having been authorized by the executive committee of the Aviation Corporation and that company having control of the Southern Air Transport, it did not make any difference who paid the expense, and that it would probably expedite matters for us to handle the expense through this office; and this was done.

You are no doubt familiar with the requirements of this company concerning expense accounts in the ordinary course of business; our requirements being that practically every cent of money advanced being accounted for by receipted statements and accounts. In connection with a mission such as that undertaken by Mr. Zweifel, we thought that it would not only be impossible to secure such statements but would be very poor policy to have an itemized statement of such expenses in our files, due to the fact that some committee of the Congress might ask us to produce them in connection with an investigation.

Mr. CLARK. Mr. President, may I ask the Senator what was the date of that letter?

Mr. BLACK. May 16, 1930, shortly after the passage of the Watres bill, and immediately before the conference was called in the Post Office Department in Washington.

Mr. BONE. Mr. President——

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

Mr. BLACK. I yield.

Mr. BONE. If my memory serves me right, one of these officers, who was among those made into multimillionaires as a result of some of these activities, was spending $60,000 a year to maintain a representative in Washington to secure the contracts or continuations of them.

Mr. BLACK. Oh, yes; some of them had more than $60,000 a year. Of course, it has been impossible to learn the names of all of them. We have obtained the names of a large number of them. Sixty thousand dollars a year was very moderate for some of them. Of course, the damage seems to have been done by this $50-a-month man. He was the dangerous man.

However, I shall call attention, before I finish, to some of the prominent figures who appear upon the scene, who enter into this sordid picture of corruption and collusion. I do not mean by that that every person whose name I shall mention took an active part in anything that involved fraud or collusion. Some of them, owing to the system that had

been built up, felt they were playing a very patriotic part, perhaps, in the affairs of the Government. Some of them knew it had been customary to hire people to come to Washington and saw nothing wrong in it.

At this point I desire to express my own strong approval of the action of the War Department in the last few days in connection with War Department contracts. It shows the necessity for legislation, as I expect to show it before I have finished with reference to what has been done in connection with these contracts to prevent activities which have been denounced by the Supreme Court of the United States as destructive of the very fundamentals of government.

Mr. LONG. Mr. President——

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

Mr. BLACK. I yield.

Mr. LONG. These lobbying activities have been going on since time immemorial. There is nothing new about them, is there?

Mr. BLACK. No; there is not. They ought to be antiquated.

Mr. LONG. When we had some measure before the Senate a while back, when I first came to the Senate, the outer chamber was practically black with representatives of the big oil companies, sending into the Chamber for men almost at the clap of the bell. This matter of lobbying is the most pernicious thing that has ever gone on around Congress. I have seen less of it in the last month than in any other time since we have had the stock-exchange investigation.

Mr. BLACK. I think the Senator is correct. There has been less of it, and there ought to be still less. It ought to be eliminated and cut out like a cancer.

In that connection I desire to show what it was expected that the Aviation Corporation would get. What I am about to read is taken from the record of a meeting of the executive committee on April 29, 1930. Then I will show what they did get. Remember, this is the company that had a man up here to get the Watres bill passed. They would not put down their expenses, because they were afraid a committee might come along and inquire into the matter, and they might not be able to burn the records, as some of the others have done.

This is the way the expense accounts were kept—I give this as a sample:

> April 29, 1930: Vice Chairman Grosvenor reported that the Watres bill had now become a law, but that a large part needed interpretation. Schedule of compensation not definitely fixed, but it would appear the operating subsidiaries would benefit to the extent of $100,000 additional revenue per month; that instead of receiving 11 percent of the total air-mail revenue of the United States, the operating subsidiaries under the new law would receive approximately 22½ percent of this revenue, based on 1929 operations, which produced $1,586,000, and it is estimated that the new law would yield $3,000,000.

Remember, that was after Mr. Brown had been up here telling the Congress that he wanted to benefit the nonsubsidized passenger operators. Here was this company on April 29, at the time the Watres bill was passed, predicting exactly what would happen with reference to the Aviation Corporation.

Let us see what did happen.

After the conference was held, and after the extensions had been worked out, we find that in 1931, the next year, the Aviation Corporation, which had predicted that it would get 22½ percent, had fallen short. It received only 21.33 percent; but it had been low on the amount. It had predicted that it would receive $3,000,000, and it actually received $3,622,848.80.

The Aviation Corporation sent that man to Washington. They concealed their expense account. They predicted exactly what they would get under the Postmaster General, and they fell short less than 1 percent of the total amount so far as the percentage was concerned; and they exceeded their fond expectations by $600,000 on the total payment.

That is what happened with reference to that company. Now let us see what happened next.

At the time this was going on, there were in Washington, from time to time, Mr. William P. MacCracken; D. M. Shaeffer, of the Pennsylvania Railroad; and J. G. Nettleton, of the Pennsylvania Railroad, who had formerly been secretary to Representative Martin Madden. There were various others. Mr. Henderson also was here; and it is interesting to note that along about that time there appeared in the RECORD a statement made by Mr. Henderson's secretary to him in writing, which I will read. Mr. Young was Mr. Henderson's secretary, and here is the statement he made:

> Also, a man very close to the President told another man over there whom we are very close to that Mr. Glover had better watch his step, or he was going to get himself in hot water, owing to the fact that he was favoring the National Air Transport to too great a degree.

Bear in mind, not only were the representatives here, but down in the Post Office Department from time to time were those who had been advanced money by some of these people. Mr. Gove, the assistant to Mr. Glover, it has been shown in the record, had been advanced by Mr. Henderson more than $10,000; and a note for this money was torn up down in one of the hotels in this city on the theory, as Mr. Henderson said, that if Mr. Gove ever got the money he would pay him back. Another stock transaction was going on for the wife of a member of the interdepartmental committee in the Commerce Department, Mr. Hainsburg, at the expense of Mr. Henderson, according to the record.

So we have these transactions with two members of the interdepartmental committee. We have the statement of Mr. Henderson's secretary that Mr. Glover would have to be careful; he was going to have to watch his step, or he was going to get himself in hot water because he was favoring the National Air Transport.

It was under these circumstances that the Watres bill started on its way to enactment. About that time the bill passed the House. When it came over to the Senate, Mr. Henderson became disturbed. He wanted to employ someone, as he said, to expedite the bill. Before I get to his statement on the subject, let me call attention to this letter appearing on page 3160 of volume 8, from Colonel Henderson to Mr. D. M. Sheaffer, chief, passenger transportation, Pennsylvania Railroad:

> DEAR DAN: I have moved my office—

This was February 8, 1930, just before the Watres bill passed, shortly before the conference.

> I have moved my office to room 828, Investment Building, telephone National 6835. Please change your records.
>
> I should like to be able to tell Glover on Monday that his nephew is fixed up some place on the western division of T.A.T. as per my wire to you of Friday. I think this is extremely important. Glover will have more to do with the mail-subsidy allocations than any other one man.

And I call attention to the fact that the young man received the job. Mr. Henderson testified, immediately thereafter, that the young man was given the job. I asked him if he knew anything about the boy's experience. He said, "Have never seen him." I said, "Did you know anything about his qualifications?" He answered, "No, sir; I have never seen him, and know nothing about him."

That is the picture before the Watres bill was passed.

At the same time Mr. E. B. Wadsworth was Superintendent of Air Mail. He had been superintendent of air mail for quite a while. It developed that later, at some period which is not exactly identified, he secured a plane from the American Airways. He says he paid $50 for it, and that everybody flew in it. On being shown a letter about insurance carried by Mr. Hinshaw, of the Aviation Corporation, who had been an assistant in Mr. Hoover's preconvention campaign, Mr. Wadsworth said, in substance, "Yes; that insurance was taken out by Mr. Hinshaw because he flew in the plane, and he was protecting himself."

So we have a plane being purchased for $50 by the superintendent of air mail; we have the nephew of the Second Assistant up to that time in the employment of T.A.T.; we have a loan to Gove, and stock transactions with the wife of a member of the interdepartmental committee in the Com-

merce Department. See how the picture grows; and we have all of them here with expenses that it was difficult to trace.

All right.

Mr. BONE. Mr. President, I should like to have the Senator, if he will, indicate for the purpose of the RECORD the connections of Mr. Henderson, to show with what company he was connected.

Mr. BLACK. Mr. Henderson was connected with the United Air Transport.

Mr. BONE. What lines did they fly?

Mr. BLACK. They were flying the northern transcontinental route at that time. There had been a combination of the Boeing Co. and Pratt & Whitney, including the National Air Transport, and Mr. Paul Henderson had previously been an assistant to the Postmaster General. At the same time Mr. Woolley was here representing the Western Air Express. Mr. Shaeffer was here. Let me refer to the reports that were being made.

Mr. Nettleton was the agent here for the Pennsylvania Railroad. Here is a letter which appears in the record, from him to Mr. Daniel M. Shaeffer, whose name will later appear in connection with the Pennsylvania Railroad. Here is what Mr. Nettleton said happened about the Watres bill on the other side of the Capitol (part 8, p. 3142):

DEAR DAN: I thought perhaps you might like to have a brief history of the inside relative to the air-mail bill. Here it is:

After the bill was introduced by Mr. Watres, several members of the Post Office Committee expressed opposition to it, their objections being that it put too much power in the hands of the Postmaster General. The chairman of the committee was one of those who opposed it; and with his opposition, it seemed that it would not be possible to get it reported favorably from his committee. The Speaker (Longworth) and the Republican floor leader (Tilson) were interviewed by Congressman Sproul, and they both stated that they did not think the bill should pass.

Mr. Sproul then called on the Postmaster General and told him of the opposition. The Postmaster General then asked for a meeting between himself on the one side and Longworth, Tilson, Snell (chairman of Committee on Rules), and Sanders (chairman of the House Post Office Committee), and a few others. This meeting was held last Friday afternoon, and it was decided to let the bill be reported and brought on the floor. A meeting was held yesterday afternoon by the full Post Office Committee, and they instructed Mr. Watres (chairman of the subcommittee having the bill in charge) to prepare it for reporting to the House. I expect that will be done today. It hasn't been decided yet what procedure will be followed, but I have suggested to Mr. Sproul that they should get a special rule reported providing for its consideration. * * *

Here was the representative of the Pennsylvania Railroad—bear that in mind—reporting on his activities, a man who had previously been secretary to a prominent Representative, stating that he had suggested how the bill should be gotten up before the House; and then he said, in the closing part of the letter:

There is going to be opposition on the floor, but it is impossible at this time to tell how strong it will be. * * * In other words, I feel that the bill has a chance to get by the House. What the Senate will do with it remains to be seen. I will keep you advised.

J. G. N.

The bill did get by the House, but it got by with a clause added providing for competitive bidding. It also got by after having had stricken out of it a provision which had originally appeared in it—this is an important feature—which provided that the equities of pioneers should be observed. That provision was stricken out.

At that time the bill came over to the Senate. On March 1, 1934, Mr. Hanshue testified before our committee that Mr. Lehr Fess and Mr. Philps, son of the Fourth Assistant Postmaster General, represented the National Air Transport at a meeting in the Post Office Department in February 1931. Thereafter a letter was written by Mr. Lehr Fess which appears in the CONGRESSIONAL RECORD of March 9, 1934, at page 4091.

At that time the only evidence which appeared in the RECORD with reference to Mr. Fess was in connection with the meeting at which he represented the National Air Transport in 1931. The letter is as follows:

TOLEDO, OHIO, *March 5, 1934.*

Hon. S. D. FESS,
United States Senate, Washington, D.C.

DEAR FATHER: Were it not for the endeavor to poison the public and indirectly injure you, the Hanshue testimony would be amusing. The Watres Act was passed April 29, 1930, as I recall. I resigned as United States attorney August 1, 1930, and a few weeks later I was asked by some Pittsburgh people to represent them before the Post Office Department in connection with their proposed bid on a coast-to-coast mail contract.

I stop the reading for a moment to observe that that was the company which was opposing the bid of the Transcontinental & Western, of which the Pennsylvania Railroad was a part.

I spent a day in Pittsburgh, went with them to Washington, and attended the opening of the bids. Walter Brown was not in town that day, as I recall. When I discovered that the Pittsburgh group was not qualified to bid, and strongly suspicioned they did not have the finances to operate successfully even though they should be awarded the contract, I immediately withdrew and returned home. This was about the middle of August 1930. Neither United Aircraft nor N.A.T., as I recall, bid or were interested in these particular contracts. Sometime after the bid of the Pittsburgh Co. had been rejected and the contract awarded to T.A.T. & Western Air was approved by the Comptroller General, our firm was employed during the latter part of October 1930 by N.A.T. at a modest retainer and the usual per diem for court work and out-of-town business.

I digress long enough to say that the Comptroller General finally ruled, in January 1931, that the bid should go to the high bidder, which was the Pennsylvania Railroad controlled company, and not to the Avigation Co., which was the low bidder.

The retainer was terminated by mutual consent in November 1931 because of the decrease of the work and the necessity of the company to reduce expense.

The remainder of the letter appears on page 4091 of the RECORD of March 9, 1934.

I call attention to the fact that, on March 7, Paul Henderson testified before the committee as follows (part 7, p. 3030):

Colonel HENDERSON. In 1930, in early April, the Watres bill had passed the House. It had passed the Senate committee, but it had not been voted on, on the floor of the Senate. The route certificate of National Air Transport would have to be issued before a certain date in April or it could not be issued. The contract would have expired because of its time limitation, and at some date just in there—I cannot tell you the exact date—I became greatly concerned about the passage of the bill, because this passage was apparently necessary if National Air Transport, and its route no. 3, was to secure its route certificate. I discussed the question as to how something might be done that would expedite its passage. I remembered that Mr. Fess was at one time employed, I believe, as parliamentarian of the Senate, and he was in Toledo practicing law——

The CHAIRMAN (interposing). You mean the House, do you not?

Colonel HENDERSON. Yes; I beg your pardon. And he was probably more familiar than anybody I might know with methods of doing business in the legislative branch. I sent for him and asked him if he would undertake, as a lawyer, to expedite the passage of this Watres bill. He did, and I paid him a fee for it when he returned to Toledo. That occasion and the other one I have just described to you are the only times Mr. Fess did any business for me or any company I was ever associated with in Washington.

The CHAIRMAN. Was his firm not at that time, or Mr. Fess individually, on a regular retainer for your firm?

Colonel HENDERSON. Not at that time; no, sir. He was put on a regular retainer probably late in the fall of 1930 and remained in that status for at least a year, and perhaps longer.

The CHAIRMAN. How long did he stay here on the Watres bill?

Colonel HENDERSON. Two days, as I recall it.

The CHAIRMAN. Did it pass while he was here?

Colonel HENDERSON. It either passed while he was here or the day following his departure. I am not sure which. It passed in time to permit our route certificates being made.

The CHAIRMAN. What was the fee?

Colonel HENDERSON. Three thousand dollars or five thousand dollars, I have forgotten which.

The CHAIRMAN. For just that 2 days' service?

Colonel HENDERSON. Yes, sir.

On March 7, 1934, Mr. Fess reported by letter to the committee that in April 1930 Paul Henderson employed him with reference to legislation then pending before Congress, "for which I received a fee of $3,000."

Mr. Fess stated in a letter dated March 8, 1934, which is in the record on pages 3138 and 3139, that—

The instance of April 30, relating to the Watres bill is that before leaving for Toledo it was agreed that I should receive $5,000 in the event the bill should pass within a few days.

Mr. Henderson also testified, with reference to this transaction, as appears on page 3151, as follows:

May I ask, Mr. Henderson, if you agreed with Mr. Fess before he came on a $5,000 fee?

Colonel HENDERSON. No; I had no knowledge of what the fee would be, none whatever. * * *

Question. Why did you give the check to Mr. Nettleton?

Mr. Nettleton was the representative of the Pennsylvania Railroad.

Colonel HENDERSON. Because he made the arrangements for Mr. Fess.

I might state that when Mr. Nettleton was asked about the subject, in the examination on pages 3128 and 3129, he said that there was no definite amount agreed on. Nettleton claims to have paid a fee to Mr. Fess by check April 25, 1930. That appears in the transcript of the evidence before the committee on page 3136.

The Watres bill was signed April 29, 1930. The Nettleton check and stub were not produced.

Reference to page 3139 will show that Mr. Nettleton testified that his canceled checks were all destroyed, but he did have checks showing payments to D. M. Shaeffer in 1928 and 1929.

Mr. Henderson also produced his check to Mr. Nettleton; and as to the check stub, the following evidence of Mr. Henderson and Mr. Young shows what happened:

Mr. HENDERSON. You mean the check?

The CHAIRMAN. Is it the same account?

Mr. HENDERSON. Apparently it is; yes, sir. The number of this check, which is apparently the check I gave to Mr. Nettleton, because the date corresponds, is 146, but it is scratched out by somebody and written in with red-lead pencil "260", and it is a green check.

The CHAIRMAN. See if you find the check stub there.

Mr. HENDERSON. This check book is yellow, sir.

The CHAIRMAN. I know; but I just wanted to see if you had a number in the check stub corresponding to that number.

Mr. HENDERSON. No; there is no check stub here. There could not be a check stub, Mr. Chairman, in this book—it is yellow, or whatever color it is.

The CHAIRMAN. Look at the place where that number would be.

Mr. HENDERSON. I just did, and there is nothing there at all.

At that time Mr. Henderson had before him the check book, looking for the place where he said the stub should be. He said the check numbers jumped from 257 to 261.

The CHAIRMAN. Well, what has happened to the page of the check stubs there?

Mr. HENDERSON. I don't know.

The CHAIRMAN. Has it been cut out?

Mr. HENDERSON. I can't tell, sir. Perhaps you can. Yes; there is a page cut out.

It was so difficult to find where the check stub had been cut out that Mr. Henderson had to take the check book and bend it back. It is shown by his evidence he said at first he could not tell and later he said:

But may I call your attention, sir, to the fact that this check—I don't know who changed the number from 146 to 260, which is done with a red-lead pencil.

The CHAIRMAN. Which number is cut out?

Mr. HENDERSON. The checks, nos. 258, 259, and 260, would have been on that page.

Then we called the secretary of Mr. Henderson to ascertain whether or not the checks cut out, nos. 258, 259, and 260, would correspond with the check which had been given to Mr. Nettleton to be paid to Mr. Fess. I read further:

The CHAIRMAN. Mr. Young, have you figured out those three checks there with the balance to see whether the amounts of those checks represent the same amount that should be represented on the three checks?

Mr. YOUNG. I have not figured it, only in my mind, that from this fact the reconciliation shows that they must be there and must reconcile it.

The CHAIRMAN. In other words, that those three checks there are the ones that were represented on the page of which the stub has been cut out?

Mr. YOUNG. There seems to be, because there would be no other way in which the amounts could be put in there which would make the account reconcile.

The CHAIRMAN. What are your initials, Mr. Young?

Mr. YOUNG. C. W.—Charles W.

The CHAIRMAN. You are the secretary of Colonel Henderson?

Mr. YOUNG. Trying to be; yes, sir.

The CHAIRMAN. And have been for how long?

Mr. YOUNG. I think May 24, 1929.

The CHAIRMAN. Do you know how that particular stub there happened to be cut out?

Mr. YOUNG. No, sir. I have no recollection.

The CHAIRMAN. Did you do it?

Mr. YOUNG. No, sir.

So that we had the fact that, up to that time, for some reason the stub for the check which was given to Mr. Nettleton by Mr. Henderson, paying money out of the funds, as he said, of the National Air Transport and the Transcontinental Air Transport, for Mr. Fess, was gone.

With reference to the question of having representatives here in order to expedite legislation, I desire to read one paragraph from the decision of the Supreme Court of the United States in the case of *Tool Co.* v. *Norris* (2 Wall. 54):

It was not claimed, on the trial, that the plaintiff had rendered any other services than those which resulted in the procurement of the contract for the muskets. We are of opinion, therefore, that the proposition of law is fairly presented by the record, and is before us for consideration.

The question, then, is this: Can an agreement for compensation to procure a contract from the Government to furnish its supplies be enforced by the courts? We have no hesitation in answering the question in the negative. All contracts for supplies should be made with those, and with those only, who will execute them most faithfully, and at the least expense to the Government.

I skip a little:

That agreements like the one under consideration have this tendency is manifest. They tend to introduce personal solicitation and personal influence as elements in the procurement of contracts; and thus directly lead to inefficiency in the public service, and to unnecessary expenditure of the public funds.

I desire to read a paragraph from *Trist* v. *Child* (21 Wall. 451), with reference to expediting legislation as viewed by the Supreme Court of the United States. It will be remembered that there were numerous representations here in connection with the Watres bill, seeking to push it through, and push it through rapidly. The Court said at page 451:

The agreement in the present case was for the sale of the influence and exertions of the lobby agent to bring about the passage of a law for the payment of a private claim, without reference to its merits, by means which, if not corrupt, were illegitimate, and considered in connection with the pecuniary interest of the agent at stake, contrary to the plainest principles of public policy. No one has a right, in circumstances, to put himself in a position of temptation to do what is regarded as so pernicious in its character. The law forbids the inchoate step and puts the seal of its reprobation upon the undertaking.

Listen to this:

If any of the great corporations of the country were to hire adventurers who make market of themselves in this way, to procure the passage of a general law with a view to the promotion of their private interests, the moral sense of every right-minded man would instinctively denounce the employer and employed as steeped in corruption, and the employment as infamous.

If the instances were numerous, open, and tolerated, they would be regarded as measuring the decay of the public morals and the degeneracy of the times. No prophetic spirit would be needed to foretell the consequences near at hand.

Yet this record is filled from the very beginning to the end with evidence that the air-mail companies and ocean-mail companies have employed their agents to come to Washington to have passed general legislation in order that they might get special and pecuniary benefits.

In the main I might state that it has been with the utmost difficulty, and only after months and months of effort, that we have been able to obtain the evidence with reference to such employment. In the first questionnaire that went out, each one of the companies was asked to tell us whom they had employed in Washington, and they did not give us 0.1 of the names of the special representatives who have been in Washington.

As yet we have not secured them all. We have more, I might state, than have yet appeared in the public records, but we have not yet secured them all.

I have now reached the point where I want to call the Senate's attention to the evidence of the conference at the office of the Postmaster General. I shall first show the Senate at whose instance it was called. I shall show it by a photostatic copy of a letter dated May 21, 1930.

This conference was called May 15, 1930. The Watres bill had passed. The Postmaster General had had a bill passed which included competitive bidding. The companies and the Postmaster General had been lobbying to keep away from competitive bidding, but the bill passed with a provision in it for competitive bidding. The meeting was called at the instance of one of the strongest

political groups whose names appear in the entire record of intrigue and chicanery. May 21, 1930, Mr. C. W. Cuthell wrote a letter to Mr. C. M. Keys of Savannah, Ga. Mr. Cuthell was at that time the attorney for the T.A.T. T.A.T. was largely controlled by the Pennsylvania Railroad. The Pennsylvania Railroad is largely controlled by its officers and by Kuhn, Loeb & Co., who are the bankers. This is a part of the company that got the contract, with which Colonel Lindbergh and Mr. Rickenbacker are connected.

On May 21, 1930, Mr. Cuthell wrote as follows:

My dear C. M. The air-mail contract—

Note this is May 21. It is two days after the conference began. It is six days after the conference was called. Mr. Keys was the banker, and we shall show later the copy that went to the bankers.

The air-mail-contract situation has taken practically all of my time lately. It is likely to continue to do so for several more weeks. The bill, as it was finally passed, shows that Paul did not aggressively represent T.A.T.

In other words, he is complaining there that Paul Henderson did not represent the T.A.T. as aggressively as he could, Henderson at that time being the representative of the T.A.T. and the N.A.T. I continue reading from the letter:

The 40-cents-a-mile provision was, of course, intended to aid passenger lines which did not have mail contracts. There are only two such in the country—

Note this—

Halliburton and T.A.T. The bill as finally passed permits any of the old-line air-mail contractors to bid even on the lines established by these two companies, but because of the route-certificate provisions in the rest of the bill these two companies cannot bid for the extensions of the old lines.

If Paul had actually been hostile to us, he could not have shown his hostility in any more effective way. Captain Doe, Cheever, and, I think, Dan Shaeffer are all now of the opinion that, as a result of their inquiries around Washington, Paul could have gotten a provision in the new law which would have limited the competition for the 40-cent contract to those companies which had been operating over a particular route, such as T.A.T. and Western Air between Kansas City and Los Angeles.

It was reported to Cheever and myself early last week that the P.M.G. would do nothing about a T.A.T. contract until after he had completed all of his negotiations with the old companies in connection with through-route certificates. We were not at all satisfied to remain idle. Consequently we insisted that Maddux proceed to Washington and associate Furlow—

Who, I might say, was getting $15,000 a year, as the record shows—

with him to do the work that Paul—

That is, Henderson—

used to do.

Mr. Furlow is a former Congressman.

They had one extended talk with Brown, taking as the particular occasion a newspaper report that Brown had extended the Western Air route from Los Angeles to San Diego, a route over which Maddux had been flying for 3 years and Western Air for 3 months. Maddux and Furlow handled themselves very well and showed Brown clearly that if all of the old air-mail contracts had their routes extended the appropriations would be quickly exhausted and there would be no more routes open. The effect would be to put T.A.T. out of business, unless the passenger revenues increased tremendously and costs were further reduced.

The following day—

Note this—

Dan and I saw the P.M.G. and I was just as specific in my questions as I could be.

"Dan" is Dan Sheaffer of the Pennsylvania Railroad.

At the end of the meeting he stated that he would not sign the Western Air-San Diego extension and he forthwith called a meeting of all of the old lines, as well as the passenger operators who are now without mail contracts.

We have here the call of the operators. At whose instance? At the instance of the most powerful of all the picture, outside of the Mellon group in Pittsburgh, with which they were later associated, and with which they were associated then by interlocking directorates. I read further:

The following day Maddux and Lindbergh went to see him, so that by the end of last week Brown understood clearly that T.A.T. was very definitely being excluded from the picture.

I politely pointed out to Brown the embarrassments of our situation due to the fact that our representative had joined up with our opponents and asked that we be given a full opportunity to be heard. * * *

I shall stop reading the letter at that place, although I shall recur to it later to show to the Senate exactly what the lawyer for the T.A.T. said about this meeting 2 days after it started. I shall later show to the Senate that he said it was illegal.

We have the calling of the meeting. The call of the meeting appears in the memorandum printed in volume 5 of the hearings, pages 2323 and 2324. The memorandum is for Mr. Wadsworth, and is dated Washington, May 15, 1930, 6 days before Mr. Cuthell's letter. Note this call and it will be seen how it fits in with Mr. Cuthell's report.

Memorandum for Mr. WADSWORTH:

The Postmaster General is desirous of having a conference with representatives of the companies mentioned below; by this, I mean a substantial representative like Wheat for the United Aircraft; Hanshue, Western Air, and Maddux, of the T.A.T. He sees the feeling that is developing among the passenger-carrying lines.

Note that interest in the passenger-carrying lines—

Who have no mail contract and have no way of getting into the picture unless it is by competitive bidding, and he wants to have a meeting with these representatives, on next Monday, May 19, at 2 p.m., in his office, and desires to have a talk with them along the lines of just the best way for them to approach the question of giving aid to passenger lines. In other words, he wants them to come to some understanding so that it will not all be thrown into the pot and the passenger-line operators left entirely outside, due to the fact that the air-mail operators would have the inside and would have the territory covered.

Thrown into the pot! What do you do, Mr. President, when you have competitive bidding, honest competitive bidding? You throw it open and let the man who bids the lowest win.

The companies he desires at this meeting * * *—

Says the memorandum, are as follows:

United Aircraft Corporation, Wheat; Aviation Corporation of America, Coburn; Western Air, Hanshue will be there; T.A.T. Maddux—

Note this in parenthesis—

(Saw Dan Sheaffer and Cuthell; they will get Maddux here.)

There is the letter I have just read showing that the meeting was called at their instance. Here is the notice which says: "You need not notify Cuthell and Sheaffer; they will be there. I saw them"—and then he tells them how to get in touch with the rest.

What was the purpose of that meeting? Remember that up to the time this had occurred the Postmaster General had tried to get a bill passed which would eliminate competitive bidding, and had failed. A bill had passed providing for competitive bidding. What was its purpose? Let me see what Mr. Brown said about it under oath.

I shall read his three different versions of his reasons. The purpose of the meeting, according to Mr. Brown, is found on page 2550, in his written statement, dated February 19, 1934.

There will be considerable progress made by Mr. Brown and his reasons as the days go by and as the conferences continue. Mr. Brown's written statement was before the committee. Here is what he said was the reason:

The two meetings of air-passenger operators and air-mail operators, held at the Post Office Department May 19 and June 4, 1930, to which attention has been directed, were called and held for a purpose entirely legal and proper, to wit: To find if possible some method under the provisions of the McNary-Watres Act of aiding the passenger-transport operators who had no mail contracts and whose losses were compelling them to abandon their passenger operations. There was nothing clandestine or secret about these meetings. * * *

And so forth.

Note that he said under oath in his written memorandum, when he had ample time to think and consult with his advisers, that the meeting was called for the purpose "of aid-

ing the passenger-transport operators who had no mail contracts and whose losses were compelling them to abandon their lines."

Now, let us see what he gave out to the press as the reason for the meeting. I quote from a memorandum from the New York Times in the record at page 2585, as follows:

WASHINGTON, May 19.—Plans for a network of passenger and mail air routes throughout the United States were requested today by Postmaster General Brown from representatives of various large air carriers.

"Plans for a network."

The New York Times article continues:

Mr. Brown is known to have in mind the consolidation of various routes so as to cover the country with air-carrier service. He asked the airmen to prepare a map showing in detail the various routes they would recommend, with the idea of taking it up with him at a future conference.

To recommend routes; not to recommend who should have the routes. No notice such as that appeared in the public press.

These representatives came here principally—

Said the news item—

to confer with Postmaster General Brown and Assistant Postmaster General Glover relative to the new pay basis provided in the Watres bill. * * *

That is important because it is the only time I have seen any purpose such as that being indicated.

Remember that the first sworn statement of Mr. Brown was that he wanted to aid the passenger operators. Listen to the next statement on the morning of February 20, 1934 (part 6, p. 2437):

Mr. BROWN. There was no purpose ever to divide up the airmail operation. The purpose of the meeting was just as was stated in the reports, just as was stated by Mr. WADSWORTH'S minutes, to try to find a way under the Watres Act to give some mail pay to the passenger operators who had no mail contracts and who were starving. * * *

Note his solicitude there for the passenger operators. That was the purpose of the meeting.

Now, I called the meeting. I called it to order and I addressed it, and I know what I said. I told them the history of the adoption of the Watres Act and the history of the elimination * * *—

And so forth.

Subletting additional daylight mail schedules to the regular operators and subletting those to the passenger people; the other plan was to give extensions to the regular mail operators on certain parts of their routes and have those sublet. I stated that to be the plan that had been proposed by somebody or other of them, I think, and then I said to them I would be very glad to see if they could agree among themselves as to who had the pioneer equities that were referred to in the Watres Act.

There were no pioneer equities referred to in the Watres Act. That provision had been taken out of the law; it had not been adopted.

Note he still says for the benefit of the passenger operators. Now look at his next statement. The same day in the morning—volume 6, pages 2441, 2443, and 2444:

Mr. BROWN. No; I don't. What I mean is this: That if the plan of subletting was put into effect, that their recommendation was that these people had the equities, which ought to be observed.

The CHAIRMAN. All right; which ought to be observed?

Mr. BROWN. Which ought to be observed.

The CHAIRMAN. Do you mean which ought to be observed and that they ought to have the lines?

Mr. BROWN. That these equities ought to be observed.

The CHAIRMAN. Do you mean by saying "observed" that the observation would require that those companies get those lines?

Mr. BROWN. No; but in the language of the original Watres Act, that proper consideration should be given to these equities.

The CHAIRMAN. For the purpose of getting the lines; is that it?

Mr. BROWN. That, and just exactly what I say: That the Postmaster General should give proper consideration to these equities.

The CHAIRMAN. For them to get the lines or for somebody else to get the lines.

Mr. BROWN. Of course, the purpose would be to try to work out something for them.

At last he got down to a final statement where it was no longer possible to wiggle out. I quote further from his testimony on the morning of February 20:

(Page 2443:)

The CHAIRMAN. In other words, it had no connection whatever with who should get the lines?

Mr. BROWN. Yes; it did. It was their recommendation that these people had equities.

The CHAIRMAN. In that line?

Mr. BROWN. In these lines that they had been operating and in the opinion of the committee that operation entitled them to consideration in anything that was done.

(Page 2444:)

The CHAIRMAN. In awarding that contract?

Mr. BROWN. Yes; that is correct.

Let us see what was the next reason for calling the operators together. I quote from the testimony on February 20, in the afternoon:

[Vol. 6, p. 2448]

The CHAIRMAN. So that the plan discussed by the conference which has already been testified to, and the names of the representatives placed in the record, was with reference to the ways and means whereby what you class as the equities of companies on various lines could be considered?

Mr. BROWN. Yes.

The CHAIRMAN. Could be recognized and contracts awarded to them, or certificates, without competitive bidding?

Mr. BROWN. That is correct. That was the plan.

Mr. Brown, further in the afternoon, testified as follows:

[Vol. 6, p. 2449]

Mr. BROWN. No; I did not say that. What I said was that the purpose of this meeting was to see if a plan could be worked out under the Watres Act that had just been enacted whereby mail pay could be given to the passenger lines by subletting operations from the mail contractors without competitive bidding. That was what it was all about.

That is what he tried to get the right to do, and Congress denied it. Here is the second reason given by Mr. Brown. Note this philosophical reason. Remember that Mr. Brown has been exercising himself with solicitude for the passenger operators. On February 22 in the afternoon, Mr. Brown had advanced to this reason (vol. 6, p. 2579):

Mr. BROWN. No one. The fact is this, that I called the conference merely to convince the operators if I could that I played fair with them in the enacting of the Watres Act. Then I talked about the other things because I had to talk about something besides that, but there was not a thing done by those operators that influenced the Department in the smallest part.

Note where he had advanced. On February 22 he has reached the point where all that he called them together for was to convince them that he had played fair in the passage of the Watres Act. Up to that time he had insisted, first, that he simply wanted to take care of the passenger operators; next, that it was to consider the equities and give them contracts. This time he wanted to show them that he had played fair with them in having a law passed. Mr. President, has the time come when the Postmaster General of the United States is compelled to call the operators together in order to convince them that he had played fair in the passage of a law? In the first place, it is not his business to pass a law; it was the business of Congress. Next Mr. Brown says on February 23 in the afternoon, page 2646:

Mr. BROWN. No; you are mistaken about it. The whole purpose of the meeting, so far as I was concerned, was to convince these passenger-carrying operators that had no mail contract that I had played fair with them.

There he has taken the second step toward an attempt to escape from what the facts show are the inescapable reasons for his action.

Now let us see his third reason. This is the most important of them all.

February 20, 1934, morning, page 2437:

Mr. BROWN. It was my belief that they could not agree, and if they did not I would not be further embarrassed by the plan.

On February 20, in the afternoon, page 2449:

Mr. BROWN. They were trying to state to me, if they could as among themselves, who they believed had the pioneer rights, and that was all they were trying to do, and I knew they could not

do it and was satisfied that that would give me the best excuse in the world to chuck the whole thing, which I did.

Note how he has advanced. He wanted to take care of the operators at the time when he was talking to Congress; he wanted to take care of the passenger operators, he said, when he came in with his prepared and signed statement; but now he has advanced to the position where he admits under oath and asserts that it was his object not to take care of them, but to get them in a meeting where they would disagree, and he could throw the whole thing out of the window.

Again, on February 22, morning (p. 2555):

Well, to be very frank about it, I had very little faith in our ability to work out any plan under the provisions of the law that would save the passenger operators who had no mail contracts. * * *

However, I stated it to the meeting, believing that they could not reconcile their views with respect to that. I did not want them to reconcile their views.

No; he did not. Let us see whether he did or not. He has now advanced to the point where he called them by deception, according to his own statement, telling them he expected them to agree, but believing, as he said, that they could not agree. Now he has advanced to the very manly and honorable position wherein he says:

I did not want them to reconcile their views.

Why not?

I was looking for an easy way out of the situation.

Out of what situation? Was he not the Postmaster General armed with the power of that office? Did he have to find any easy way to get away from the air-mail operators? What hold did they have upon him whereby it was necessary for him to call them together, expressly stating he was doing it for one purpose, when he said that in his mind he was doing it for another purpose and knew the result of the meeting would be futile and useless.

I was looking for an easy way out of the situation. * * * I put that problem up to them, which I did not believe they could solve, and then I put another one up to them, which was to see if they could agree among themselves as to whom the equities properly belonged, the pioneers' prescriptive claims, based upon having done the pioneering in the territory—put that problem up to them, believing they could not agree on that, and they did not, and then I thought I would be relieved from pursuing the matter, as I finally was.

We will see a little later whether he finally was or not.

Now let us see what he said further. The Senator from Nevada [Mr. McCARRAN] asked some questions which brought out very pointedly and definitely his statement that he called them for one purpose when he intended to do nothing at all in line with the purpose for which he called them. I read (p. 2646):

Senator McCARRAN. Are we to understand from that you called them together with the idea of agreeing that they should disagree?

Mr. BROWN. I called them together for the purpose——

Senator McCARRAN. Won't you answer that question?

Mr. BROWN. No; I did not.

Senator McCARRAN. That is the way I construed your last answer, and also your answer to Senator AUSTIN. In other words, if I caught it correctly—and I want to catch it correctly—you called these airline operators together on the 19th of May here in Washington, knowing that they would disagree. Am I right so far?

Mr. BROWN. Believing that they would.

Senator McCARRAN. Believing that they would?

Mr. BROWN. Believing that they would.

Senator McCARRAN. Disagree as to what?

Mr. BROWN. Disagree, first, as to subletting additional mail schedules. Now, in that respect, I was correct. N.A.T. refused to do it. Believing they would fail to agree with respect to their pioneer claims—and they did. And when they brought in the proofs of their disagreement on that I filed the report, and never gave it another moment's consideration.

Senator McCARRAN. In other words, you believed when you brought these operators together they would disagree on these two primary questions?

Mr. BROWN. I did.

Senator McCARRAN. How were you going to settle it after they disagreed?

Mr. BROWN. How was I going to settle it?

Senator McCARRAN. Yes.

Mr. BROWN. There wasn't anything to settle. That plan of giving relief to the air-passenger operators who had no mail contracts failed, and they all went out of business.

There is the statement of Mr. Brown. Remember that every time he opened his mouth he said he was going up to the House and get a bill through to take care of those operators, and yet now he says he called them together in order to let them disagree, in order to let them fail, that they did fail, and that all of them after failing went out of business. There is the way he was taking care of those operators whom he said were "starving to death." The Aviation Corporation of America did not starve to death. United Airways did not starve to death. North American and General Motors did not starve to death. Northwest Airways did not starve to death. Oh, no, those starved to death whom he said he brought in there with the hatchet over their heads, believing they could not agree, were called for that purpose and then they folded up, he said, and went out of business.

Let us see what Mr. Brown said he called them together for, as shown in the report of that meeting made by Mr. Wadsworth:

The Postmaster General opened the meeting by discussing the general provisions of the Watres bill and invited suggestions from those present as to the ways and means of assisting the passenger operators, inasmuch as it is understood none of the so-called "strictly passenger lines" are breaking even, and it is apparent that they will need some assistance if they are to continue. The Postmaster General expressed the desire to know whether it is going to be possible for the so-called "pioneers" to agree among themselves as to the territory in which they shall have the paramount interest.

That is from the stenographic report of the meeting dated May 20, 1930. He said when he got them there together he wanted to see if they could agree. Remember that in connection with his sworn evidence four times given before the committee that he was not telling them the truth as yet. He stated in his evidence that his object was to get them there together because he knew they would not agree and he could then throw the thing out the window, and it was thrown out the window and they all went out of business.

Immediately following that, on page 2325 of the hearings appears a statement of all the operators where they said they wanted to do anything in the world except to have competitive bidding. Remember the bill had passed providing for competitive bidding after the Postmaster General had failed to get the other bill passed, and there on the record appears the statement of the operators that they believed that plan was better than competitive bidding. After that the Postmaster General rose and said:

The Postmaster General asked everyone to speak if there were any objections to the plan suggested and said this was the appropriate time to express their opinions or objections thereto. No one rose in objection to the plan.

Why, of course not. Of course they did not raise any objection to the plan. The plan was to do away with competitive bidding and to give more to him who had something and to take away from him who had not, and that plan was followed.

Mr. President, at this time I ask to have inserted in the RECORD the full and complete statement signed "E. B. W.", appearing on pages 2325 and 2326 of the record of the hearings, which is Mr. Wadsworth's report of the meeting.

The PRESIDING OFFICER (Mr. THOMAS of Utah in the chair). Without objection, it is so ordered.

The matter is as follows:

The Postmaster General invited representatives of passenger air lines to meet with him in conference at 2 p.m. on May 19 for the purpose of discussing the provisions of the Watres bill insofar as it offered aid to the passenger lines.

The following persons were present: Messrs. Russel, Hanshue, Woolley, and Bishop, of Western Air Express; Messrs. Mayo and Patterson, of Stout Air Lines; Messrs. Maddux, Shaeffer, Cuthell, Furlow, of T.A.T. Maddux Air Lines; Messrs. Coburn and Hinshaw, of Aviation Corporation; Messrs. White and Johnson, of United Aircraft Corporation; Messrs. Doe and Elliott, of Eastern Air Transport; Mr. Henderson, of National Air Transport; Messrs. Marshall and Denning, Thompson Aeronautical Corporation; Messrs. Robbins and Hann, of Pittsburgh Aviation Industry; Mr. Van Zant; Mr. Lou Holland, of United States Air Transport; Mr. Ted Clark, representing Earl Halliburton; and Lawrence King, of Detroit.

The Postmaster General opened the meeting by discussing the general provisions of the Watres bill and invited suggestions from those present as to the ways and means of assisting the passenger operators, inasmuch as it is understood none of the so-called "strictly passenger lines" are breaking even, and it is apparent that they will need some assistance if they are to continue. The Postmaster General expressed the desire to know whether it is going to be possible for the so-called "pioneers" to agree among themselves as to the territory in which they shall have the paramount interest. He outlined certain prospective routes that were in contemplation somewhat as follows: A southern transcontinental route from Los Angeles to San Diego, thence to Fort Worth and Dallas; also a route from New York to St. Louis and Kansas City and Los Angeles; from St. Louis to Tulsa and Fort Worth; from St. Paul to Winnipeg; possibly from St. Paul and Minneapolis to Omaha; possibly a route south from Cheyenne, and possibly one from Albany to Boston. He referred to the plan mentioned below.

Colonel Henderson said: "I believe it is quite possible for this group to work out a plan." He asked for instructions from the Postmaster General as to some policy. He mentioned extensions and then assigning such extensions to some operator who has no mail contract. He indicated the air-mail contractors would be willing to agree to such a plan.

Mr. Maddux feels that if they do not receive an air-mail contract, they could not live, and he hoped the bill would take care of this. He would rather see the plan worked out as mentioned above than competitive bidding. He said: "That is the view of T.A.T."

Mr. Mayo said: "I think the suggestion is a good one rather than to have competitive bidding." He thinks the routes we have worked out with the directors on their certificates are fair, and so forth.

Mr. Clark said: "I would prefer the plan suggested rather than competitive bidding."

Mr. Lou Holland said: "I think it should be worked out by agreement, as I am afraid that competitive bidding will result in wild promotions."

Mr. Hanshue: "We are willing to do anything within reason to work out the plan rather than to go into competitive bidding."

Mr. Coburn: "I believe there is a community of interests among the operators in the Department, and they are ready to cooperate and find out how to do it."

Mr. WHITE. "I feel sure that the entire group would be delighted to go into such a conference and work it out along the lines suggested."

The Postmaster General asked everyone to speak if there were any objections to the plan suggested, and said that this was the appropriate time to express their opinions or objections thereto. No one rose in objection to the plan.

Mr. MacCracken suggested grouping the representatives together according to locality in order to work out the details of the plan or any other plan that might be gotten up, suggesting they might even have four committees, or an eastern and a western committee.

Colonel Henderson thinks those who have air-mail contracts should be organized into one committee and those who have no air-mail contracts should be organized into another committee.

Mr. Cuthell suggested that certain members of this group present to the Postmaster General a grouping of companies to deal with southern and midcontinent transcontinental routes.

The Postmaster General decided to permit the operators to use the room in which the meeting was held for the purpose of organizing themselves into such groups as may be agreed upon and to report back to the Postmaster General when they had reached a conclusion with regard to the suggested plan. He suggested that they stick to the routes outlined.

E. B. W.

Mr. LONG. Mr. President, is that a report of what happened at that meeting?

Mr. BLACK. It has been approved by Mr. Brown on the stand. There is no question about it being a part of what happened. Mr. Wadsworth did not take full stenographic notes of the entire proceeding.

In that connection I call attention to the fact that title 39 of the Code of Laws of the United States expressly prohibits combinations to prevent competitive bidding. I shall not read it into the RECORD at this time, but I call attention to the fact that for the first offense the person so offending shall be disqualified to contract for carrying the mail for 5 years and for the second offense shall be forever disqualified.

I call attention to the fact that we need no statute to make that illegal. The courts themselves have said that efforts to prevent competitive bidding constitute a nefarious offense. It is a fraud on its face. It is contrary to every idea and conception of fundamental morals and ethics this country has ever known. If the time has come when the people have reached such a low level that they could have glossed over such a nefarious thing as the preventing of competitive bids to give justice to citizens, then this country has reached a sad state in public morals. I do not believe it has. I believe that today, as in the past, the people of the Nation believe in fundamental honesty, fundamental justice, and fundamental fair dealing.

I wish to read at this point from the case of *McMullen* v. *Hoffman* (174 U.S. 649). The court said in that case:

> Therefore, when it is urged that these parties had no intention of bidding for this work alone and that unless they had combined their bids neither would have bid at all, and hence the agreement between them tended to strengthen instead of to suppress competition, this answer to the illegality of the contract is insufficient * * *. If there had been competition, the bid of each for the contract that was obtained might have been lower than the one that was accepted. It is not necessary to prove that fact in order to show the nefarious character of the agreement.

The Supreme Court of the United States has stamped its disapproval upon every movement that is intended in any way to do away with competitive bidding and prevent justice being done to the people of the country.

Before I go further into the evidence of the officers of these companies, and their testimony as to what they were there for, I desire to call attention to the case of *Crocker* v. *United States* (240 U.S. 81). The Supreme Court said in that case:

> Of course, the secret arrangement with Machen operated to vitiate the company's contract and justified the Postmaster General in rescinding it on discovering the fraud. * * *

Note that this was a mail contract, and the then Postmaster General had done exactly what was done by the present Postmaster General. He had canceled the contract, and the Court says:

> Of course, the secret arrangement with Machen operated to vitiate the company's contract and justified the Postmaster General in rescinding it on discovering the fraud. * * * And this is so, even though the company was without actual knowledge of the corrupt arrangement. It was made by Lorenz and Crawford while endeavoring to secure the contract for the company and was a means to that end. They were the company's agents and were securing the contract at its request. It accepted the fruits of their efforts and thereby sanctioned what they did and made their knowledge its own.

In other words, Mr. President, the company is bound by the acts of its agents; and when it comes here, even if its officers themselves did not know of these acts, the company is still bound by the fraud which was perpetrated. The loan of $10,000 by Henderson to Gove, the stock transaction of Henderson with Hingsburg, make invalid every contract made with United Aircraft under those conditions. There can be no sort of question, from the decisions of the Supreme Court from the beginning of its history, that if there were nothing else in this record but those two things, United Aircraft would not have a single valid contract. It is not necessary that they should have known about these things.

Now let us see what they did know. Let us take first the Northwest Airways, whose contract was canceled. Let me read from a memorandum of May 26, 1930, by their representative. He was their representative here for years. He was really the Northwest Airways in Washington. He was their spokesman. By his action in obtaining those contracts they are bound. By his testimony before the special committee under oath they are bound. I shall later read a case from the Supreme Court of the United States to sustain that point.

Let me read from his memorandum of May 26, 1930, found in volume 7, page 3102:

> It appears that the Postmaster General was not able to get sufficient authorization in the recent Watres bill to enable him to put air mail on passenger lines without competitive bids. In order to avoid putting of air-mail contracts over these routes to competitive bidders, he has called the principal passenger operators together and advised them that if they would agree among themselves on an equitable apportionment of routes he would grant the air-mail contracts under the power given him to extend air-mail contracts of lines already carrying mail.

What does that mean? It means what it says. Here is the statement made in this communication of May 26 by the representative of the Northwest Airways. It was not only made by him in this memorandum which the commit-

tee had, but he declared under oath before the committee that it was the truth. He swore that the Postmaster General called the operators there, according to what he said in this memorandum, and that every word in it was true.

What did the memorandum say?

That if they would agree among themselves on an equitable apportionment of routes he [the Postmaster General] would grant the air-mail contracts under the power given him to extend air-mail contracts.

What was that?

The Postmaster General, as this agent said, had failed to obtain authority to avoid competitive bidding; and here was the Postmaster General, according to the agent of this company, its alter ego, doing exactly the thing which Congress had declined to permit him to do, and telling the boys, when they got there, "You agree among yourselves on an equitable apportionment, and I will grant you contracts by the extension method."

What was that for? Is there any question about that? There certainly can be no question so far as the Northwest Airways is concerned, because the Northwest Airways was represented by the man who made the statement and by the man who swore to it before the committee.

Was it wrong to cancel those contracts when their own representative came before the committee and swore that he made a report to the company 5 days after the meeting started that the purpose was to divide up the air-mail map; the purpose was to thwart and circumvent competitive bidding?

Not only did Mr. Brittin say that there but in a letter dated June 2, which he also swore was true, found on page 3109 of the record, he said:

Thanks for yours of the 29th. The air-mail contractors are having a desperate session in Washington. The Postmaster General was not able to get the necessary legislation in the Watres bill to enable him to grant air-mail contracts to passenger-carrying lines without competitive bids. He has made up his mind to do this anyway and has hit upon a plan that is causing the operators no end of trouble. He has conceived, probably in iniquity, a plan for three main transcontinental routes competitively operating and several north-and-south lines as well. To work things out, he called the operators together, handed them this map, and instructed them to settle among themselves the distribution of these routes.

Is there any question about that? Can there be any doubt about what the Postmaster General told the operators so far as the Northwest Airways were concerned? He handed the operators the map, showed them the routes, and said, "You agree among yourselves as to the distribution of the routes." Could there be any competitive bidding after that? Would a man who was half-way a man, a man who had left the slightest vestige of honor or integrity, after he had participated in that meeting, feel free to go out and bid against his competitor for one of the lines, when he had sat at this meeting and made the agreement?

So far as the Northwest Airways were concerned, can there be any question about them? Their contracts were canceled. Their representative wrote them what was going on. They knew it; and they got the extensions called for in the written agreement which was reported to the Postmaster General, a copy of which only we were able to get. Unfortunately, the original was destroyed, evidently by fire. It never has been produced. No one knew that the copy could be located, but it was. These things have a way of turning up, and even the best-laid plans of those who would hide and conceal their nefarious practices oft go wrong, so we got a copy of the agreement.

Now let us see whether that was a public or a private meeting. Let us see how much the public was to know about it. I read what the news statement said about it, and I have shown what was really the purpose. Colonel Brittin on June 6, 1930, sent a telegram, which is found in volume 7 of the record, at page 3117, in which he says:

Warn everybody working on the Omaha-Sioux City situation that the operators' conference here and the Postmaster General's plan for rearranging air-mail lines is supposed to be confidential, and if it were treated as common property in our territory he would get sore and take it out on us. All our friends can say is that everyone wants the Omaha air-mail line, but insists that the contract be awarded to us, giving the reasons from local viewpoint. Permit no newspaper stories of any kind and have this matter handled, so far as possible, confidential regarding the general public.

It is true that when Colonel Brittin got on the stand he said that Mr. Brown did not tell him to say that; that he made up his mind himself that it was wise to tell these people that he wanted them to keep the matter confidential. Colonel Brittin had been here for weeks, however, attempting, as he said, to get action along this line, sitting in on these conferences where, as he says, the parties to the conferences were to agree on the exact lines which were to be delivered to the individual companies, and he wired back and said, "Keep this matter confidential, because if you do not, if it were treated as common property in our territory, the Postmaster General would get sore and take it out on us."

Every badge of fraud which the courts have recognized since the beginning of human history appears somewhere in this record, and this is but one of hundreds, there being entirely too many for me to cover.

That is the Northwest Airways. I think perhaps at this time I had better read from Two Hundred and Seventy-third United States Reports, page 498, because what is there stated applies not only to the Northwest Airways but to every other company.

I stated that the companies are bound by the statements made before the investigating committee. I shall now read my authority for that statement:

The finding that Doheny caused the $100,000 to be given to Fall is adequately sustained by the evidence. Early in 1924, during the investigation of these contracts and leases by the Senate committee, Doheny voluntarily appeared as witness and there gave testimony for the purpose of explaining the money transaction between him and Fall at the time the initial contract was being negotiated.

At the trial of this case, over objections of the companies, his statements before the committee were received in evidence. Petitioners insist that they were not admissible. But Doheny acted for both companies when the contracts and leases were negotiated. He controlled the voting power of one that owned all the shares of the other. He was president of the Petroleum Co. up to July 24, 1922, and then became chairman of its board. He was president of the Transport Co. until December 7, 1923, when he became chairman of its board. He was chairman of both when he testified. There is no evidence that his control over or authority to act for these companies was less in 1924, when he appeared for them before the committee, than it was in 1921 and 1922, when he negotiated and executed the contracts and leases. The companies were much concerned as to the investigation lest it might result in an effort to set aside the transaction. The hearing before the committee was an occasion where it was proper for them to be represented. Doheny had acted for them from the inception of the venture. The facts and circumstances disclosed by the record justified the lower courts in holding that, when he testified before the committee, he was acting for the companies within the scope of his authority.

His statements on that occasion are properly to be taken as theirs and are admissible in evidence against them.

As to Colonel Brittin, I will state that that case would not apply to his evidence before the committee, but it does apply to his memorandums sent to them while he was in Washington under the case which I previously read. That case does apply to the Transcontinental & Western, because Mr. D. M. Sheaffer, one of their officers, has testified that it applies; as to the United Airways, because Mr. Paul Henderson has so testified.

Let us see about Mr. Sheaffer. Bear in mind, now, that the Transcontinental & Western Air is a combination of two companies, one of them the Western Air Express, on the west coast, and I shall later show that their president has testified that they had prominent politicians who aided them in getting a contract, and who figured that they were of so much more assistance than the other companies that they should be taken into consideration in the combination.

The eastern company was the T.A.T., backed largely by the Pennsylvania Railroad. There horned into this combination the Pittsburgh Aviation Industries Corporation, through the political influence of its directors and officers, as I shall later show.

Let us see what Mr. Sheaffer testified with reference to this meeting, this little harmless gathering, where they were meeting as they would at a tea party, simply to let them disagree and then go home (p. 1534):

The CHAIRMAN. That is your company?

Mr. SHEAFFER. Transcontinental Air Transport is the company I am representing, sir.

The CHAIRMAN. Was it not distinctly understood when Mr. Brown called you gentlemen together that you were to divide up and see which company would get which line across the continent?

Mr. SHEAFFER. The operators were to consider the air-mail map, as I understand, and work it out to the best interests of the service from an economic standpoint.

Senators will find that Mr. Sheaffer is a very intelligent witness. We will find later that he knew all about the fact that combinations to prevent competitive bidding might result in the cancelation of a contract. He swore that before the committee (p. 1544).

The CHAIRMAN. Were you in a conference where the air-mail map was divided up?

Mr. SHEAFFER. I was in several conferences, Mr. Chairman, where it was considered, but my recollection of the matter is that the air-mail operators could not get together, and they left without reaching any definite conclusion.

I will show, not only by Mr. Sheaffer's memorandum, but by various other evidence, that they did get together on a number of lines, and as to the others they did not agree immediately, but they later carried out the recommendation. Note that he says he was in conferences where they had considered dividing up the air-mail map. He is an officer of the Transcontinental & Western, and that company is bound by his statement. He was their officer, who aided in putting over these nefarious contracts, and he is their officer who testified before this committee under oath that he was there when these matters were discussed (pp. 1544–1545).

The CHAIRMAN. Who presided over these meetings?

Mr. SHEAFFER. My recollection is that Mr. MacCracken presided. * * *

The CHAIRMAN. Now, what happened was, Mr. Sheaffer, that they did come in there together, and the air-mail operators found it very difficult to agree on which line would go to which company. That is correct, is it not?

Mr. SHEAFFER. Yes, sir.

The CHAIRMAN. There was considerable controversy among themselves as to which company would get various lines when they were finally to be awarded. That is correct, is it not?

Mr. SHEAFFER. That is right.

The CHAIRMAN. And not being able to agree, they finally reached the conclusion to let Mr. Brown act as umpire in awarding out the lines throughout the country, didn't they?

Mr. SCHEAFFER. I think this is a matter of record, Mr. Chairman, as to how that was done.

The CHAIRMAN. Well, is that true?

Mr. SHEAFFER. I am not just sure how he was left as referee.

The CHAIRMAN. But is it not true that you know he was left as the umpire to decide who would get these lines?

Mr. SHEAFFER. I think he was in some instances. I am not positive about that, though.

Senators will notice that Mr. Sheaffer's memory was not very good. We later refreshed it as to some of the things by some memoranda (p. 1560).

Mr. SHEAFFER. There was a discussion in regard to extensions, Mr. Chairman, and as a result of the meetings held in the Postmaster General's reception room, there was a memorandum filed, as the result of those meetings—you asked me this morning and I could not recall the memorandum. I understand such a memorandum was filed.

The CHAIRMAN. Did he state to you that he both could and would award your company a contract if you consolidated with the Western Air?

Mr. SHEAFFER. I believe that was his intention or idea, if we could extend and consolidate, as he thought he possibly could.

The CHAIRMAN. Did he state to you along about June 1930 that the Postmaster General could and would award your company a contract if it consolidated with the Western Air?

Mr. SHEAFFER. I do not recall that specifically, that he would definitely do it. He asked the operators to get together and utilize the various set-ups for the air-mail transportation lines and passenger-carrying lines.

* * * * * * *

The CHAIRMAN. In the statement that you made in this report, that we now have, that the Postmaster General could and would, do you still state that you had an idea that you would have to bid at that time?

We had the memorandum then. I call the Senate's attention to the fact that in the meantime we had gotten the memorandum in which Mr. Sheaffer had reported to the directors of his company that if they would consolidate with the Western Air Express, the Postmaster General "could and would" award them this contract for a route across the continent. As another evidence of the difficulty of securing the testimony in proper form I will state also that originally we had been supplied a different memorandum which did not contain the "could and would" statement. With reference to all the other features of the memorandum it was the same. I have the photostatic copies showing exactly how the change was made, for those who are interested enough to look at them. It is another evidence of the difficulty of securing the facts, and it indicates the methods used to conceal (p. 1562).

Mr. SHEAFFER. No, sir. As I previously stated, I believe there was in the Postmaster General's mind the idea that an extension might be made under the——

The CHAIRMAN. Not only that, but he told you that, did he not?

Mr. SHEAFFER. He inferred that he assumed it might be a possibility.

Mr. Sheaffer, after having told the directors of his company, in a formal memorandum, that the Postmaster General both *could and would* award them a contract, when he finally got down to testifying said he inferred that he assumed that it might be a possibility. The interesting part about that is that the possibility developed into a probability, and the probability developed into a certainty, and the contract was awarded to these companies after they combined, involving the prospect of a cost to the United States of America of more than $16,000,000 over a 10-year period if they should run that long. It was at the cost of $16,000,000 over and above what it would have cost if it had been awarded to the low bidder, and all of this grew out of the little acorn where he said that he inferred that he assumed that it might be a possibility. Then—

Senator McCARRAN. Did he tell you that?

Mr. SHEAFFER. He inferred that if we had the proper set-up that might be worked up.

It was worked up. It was worked up, but not until that company and the Western Air Express had been compelled to permit to come into that combination a Pittsburgh company, which had never flown a mile in all of its history, but had prominent directors in it, a company in whose interest the Secretary of the Treasury of the United States had talked to Mr. Brown at Cabinet meetings and had written a letter to Washington urging that they be granted an extension. Yet it is un-American to cancel a contract where it is agreed in advance that they will get it.

Mr. President, that is not the only bad thing about that story. I shall show later that the Western Air Express did not want to combine, that they were compelled by the Post Office Department to combine, and that they stated that they combined only because there was no other way in which they could get a contract, and that the Post Office Department made them do it; not only that, but that they lost $600,000 by this coercion on the part of the Post Office Department.

Let me now read the words of the Sheaffer memorandum. Bearing in mind that he said that the Postmaster General said that he assumed that there might be a possibility that if this were done they would get a contract, I want to read what he reported to his directors on July 13, 1930. Before I read that, however, I wish to call attention to the fact that, first, there was submitted to us a memorandum like the one I hold in my hand, with no notes on it. That memorandum did not say the Postmaster General "could and would." It said he might. But later on we extracted another memorandum, and here is what it says (p. 1550):

The present Postmaster General, the Honorable Walter F. Brown, called the operators together early this spring—

This is Sheaffer, of the Transcontinental—

asking that they endeavor to work out among themselves three transcontinental air lines, namely, the present northern route, a central route via St. Louis, and the southern route by Atlanta and Dallas, those three routes to be operated by independent companies separately owned and managed and competitive in service.

For the central transcontinental—New York to Los Angeles-San Francisco via Philadelphia, Pittsburgh, St. Louis, Tulsa, Kansas City-Amarillo—it was the desire of the Post Office Department that this be operated by one company, and, as T.A.T.—

That is the Pennsylvania company—

and the Western Air Express—

That is the company which said it had the prominent politicians to assist them in getting the contracts—

were the two important factors operating large mileage on this route, it was the Postmaster General's suggestion that these two lines consolidate or in some manner work out an operating arrangement to that end.

* * * * * * *

The Postmaster General having indicated that he could and would arrange so that an air-mail contract award would be properly made to the central transcontinental, providing the two companies organized for the operation of the service, T.A.T. got together with the Western Air Express on a plan to form an operating company on the following basis, namely:

I shall not now go into the formation of the operating company. The memorandum from which I just read is taken from the files of the company which got the contract. Yet we hear this editorial whining of a subsidized press, just as they whined in 1882 against Garfield, that it is un-American, that the companies have had no hearing. They had a hearing. Their officers came and testified under oath. They did not dare deny the truthfulness of that statement.

Before any bid was ever advertised, they arranged among themselves a consolidation over the protest of the Western Air Express. They knew in advance who would get the contract, just as Paul Henderson swore before the committee, verifying a statement he had made to his officers. It was the highly political line in the West, with Mr. Chandler, of the Los Angeles Times, with Mr. Fleishhacker, the banker, with the others who have been mentioned, with the Mr. Mellon, who was with the P.A.I.C., with the other Mellons, with Mr. Henry M. Robinson, who made a contribution to the National Republican Committee 2 days before the time the contract was to be let. All of them were there, and they knew in advance who would get the contract, and they got it. I shall show later just how they did get it.

So much for this evidence. This is the company, the company with the "could and would" memorandum, which has been sending out memoranda to all the Senators and all the Representatives, and to everyone else whom they could reach for the past month. Why? Because they do not dare to go into the Court of Claims and file a suit where the evidence of fraud can be placed for all the world to see and all the world to read. The court is open to them, and the burden will be on the United States Government to prove the fraud, and it will prove it if they ever dare to file a complaint in a court that has jurisdiction.

Let us see about the other part of the evidence. Let us take the Western Air part of it. I have given the part of the evidence as it affects the East. We had their memorandum and Sheaffer's evidence. He is an officer of the company.

Here is some evidence from Mr. Hanshue on the West coast. His company had been doing pretty well. It made 305 percent profit on its original investment in 1930. It was doing reasonably well; not as well as some of the companies, but it was doing so well that it did not want to sell out to these other companies.

Let us see what Mr. Hanshue said. We are talking now about what happened at the conference. I read from page 2912 of the record:

The CHAIRMAN. Did you state that you objected to bidding in this meeting?

Mr. HANSHUE. No. I stated that when Mr. Brown said he thought he might be able to help out some of the passenger operators who had no mail, by extension from lines that did have mail, that I would be willing to do whatever was reasonable along that line to avoid their having to bid.

What was that? That was terribly un-American, I presume, when we consider that he, an officer of the company, who helped them to get the contract, stated to the committee under oath that he was telling them that he was there willing not to bid. What did he tell them that for, if he did not mean it; and if he did not mean it, what was the object? It was to get contracts for certain companies, because, if they had competitive bidding, they would have to compete with their neighbors.

I read from page 2977 of the hearings:

The CHAIRMAN. Now, I want to be sure about another thing. You testified here yesterday, as I recall it—if I am mistaken, I want to know it—that you knew of the MacCracken report, and agreed that it should go in, making recommendations as to those lines that had been agreed upon, and submitting to the Postmaster General the question of arbitrating the other lines?

Mr. HANSHUE. I believe that is substantially correct.

Un-American! Un-American to cancel the contract of a company which says that so far as they could agree they agreed, and then they agreed to let the Postmaster General arbitrate to see which one of the other companies should get the contract without a bid. Terribly un-American! It is un-American to those who believe that there are certain powerful interests in this country that should have special privileges and that should be paid more for their work than the work justifies them in having. It is not un-American to those who believe that the citizens of this country should be honest with their Government and that those who make contracts with the Government should come in with clean hands, honest hands, and operate with the Government the same as an honest man would operate with another honest man.

The CHAIRMAN. And you accepted that report as a part of your report, did you not? You participated and agreed to that report, did you not?

Mr. HANSHUE. Yes.

The CHAIRMAN. In line with the fact you were leaving it up to him to negotiate, in your letter of June 2, did you not state:

"Representatives of Western Air Express have tried diligently and in good faith to reach an accord with other air transport companies with a view to composing the differences which exist over occupancy of these transcontinental routes."

You stated that, did you not?

Mr. HANSHUE. Yes. That, of course, was meant to compose their differences with T.A.T.

That is the Pennsylvania company.

The CHAIRMAN. You stated, Mr. Hanshue, "with a view to composing the differences which exist from occupancy of these transcontinental routes"?

Mr. HANSHUE. That is right.

What did "occupancy" mean? It meant who should get the routes. Why was it necessary, if they were going to have competitive bids on the routes across the continent, for the Postmaster General to be in there consulting with the two companies which would seek to agree among themselves as to the occupancy of the routes? Is that a great dream and a noble vision that will build up the honor and integrity of the aviation industry of this Nation? Aviation did not grow by reason of any such collusion as that. Aviation grew because it was destined to grow. It is destined to become a great and integral part of the commerce of this Nation. It did not grow on account of any meetings with operators to divide up the air-mail map and distribute the spoils among those who were there. It grew in spite of those meetings. It did not grow on account of any subsidized editorials that ever appeared, written by those who have been whining about the cancelation of contracts conceived in iniquity and fraud. It grew because it is a part of the great progress of this Nation, and, just as the railroads supplanted the stagecoach, so is aviation marching forward.

Aviation is being used and has been used for the purposes of stock promoters and manipulators. I shall show the Senate before I finish the millions and millions and millions of dollars that have been taken by the stock promoters. I will show the Senate how the money has been taken out of the pockets of the taxpayers and diverted from the taxpayers into the pockets of and for the enrichment of a few favored individuals through the activities of their political favorites and their newspaper supporters. I am not saying this about all the press.

There is some part of the press which is independent. There is some part that cannot be led astray. There are many editors, honest in their viewpoints, who write the facts

as they see them; but, just as happened in 1833, there have been newspapers that have been the beneficiaries of the corrupt arrangement; just as happened in 1882, there have been newspapers that have been beneficiaries of the corrupt arrangement. Their voices are not raised in the interest of honesty and integrity. Some of them have not raised a voice of protest even when it was brought out that the employees of the Post Office Department had accepted $10,000 from the aviation companies' representatives in Washington; they did not raise their voices in protest when it was brought out that two members of the interdepartmental committee had stocks paid for by a representative in Washington of the aviation corporations. They did not raise their voices at all in protest against such actions.

INCLUSION OF SUGAR BEETS AND CANE AS BASIC COMMODITIES—CONFERENCE REPORT

Mr. BULKLEY. Mr. President——

Mr. COSTIGAN. I inquire if the Senator from Alabama has concluded?

Mr. BLACK. No; I have not concluded.

Mr. COSTIGAN. Mr. President, will the Senator from Ohio yield to permit me to call up the conference report which I presented this morning?

Mr. BULKLEY. Mr. President, I will say that I desire to bring up the conference report on Senate bill 2999, being the Home Owners' Loan bond bill.

Mr. COSTIGAN. If the Senator from Ohio will permit me, I believe we can adopt the conference report on the sugar bill without any but the briefest discussion. If the Senator will do that, I shall appreciate the courtesy.

Mr. BULKLEY. I am anxious to secure action on the conference report on Senate bill 2999; but if the matter in which the Senator from Colorado is interested can be disposed of without undue delay, I am glad to yield to him.

Mr. COSTIGAN. My understanding is that we have a practical agreement to dispose quickly of the conference report. I believe the Senator from Michigan [Mr. VANDENBERG] wishes to make a very short statement, and we can then proceed with the measure in which the Senator from Ohio is interested.

Mr. BULKLEY. The Home Owners' Loan bond bill has already been so long delayed that I do not like to have it further postponed; but on the assurance of the Senator from Colorado that the conference report which he has in charge is not going to take much time, I shall be glad to yield.

Mr. COSTIGAN. If it involves prolonged discussion, we will not proceed with it.

Mr. President, I presented this morning a conference report on the so-called "sugar bill." I ask that it be laid before the Senate at this time, and I move its adoption.

I will say, for the benefit of the Senate, that there is also pending an amendment adopted by the House on yesterday to an amendment adopted by the Senate. The amendment is set out on page 7246 of the CONGRESSIONAL RECORD, which is on the desks of Senators. After the conference report shall have been approved, if it shall be approved, I should like to move a substitute for the amendment adopted by the House to Senate amendment numbered 59. It is my understanding that the proposed substitute is acceptable to Senators who have been considering it during the day.

The PRESIDING OFFICER (Mr. THOMAS of Utah in the chair). Is there objection to consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

The PRESIDING OFFICER. The question is on agreeing to the report.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK. Do I understand that the House of Representatives has undertaken to adopt a conference report with an amendment?

The PRESIDING OFFICER. The House of Representatives has agreed to a certain Senate amendment with an amendment, the conferees having failed to agree thereon.

Mr. VANDENBERG. Mr. President, the conference report to which the Senator from Colorado refers includes an amendment respecting the minimum wage, does it not?

Mr. COSTIGAN. It does.

Mr. VANDENBERG. I want to make a statement in just a few sentences respecting the action of the conferees in this particular respect.

Mr. President, this is not the ordinary minimum-wage situation. If it were, I should heartily support it, because I emphatically believe in the industrial minimum wage; but this minimum wage, applying to the labor on the farm in respect to the cultivation of sugar beets, enters fundamentally into the mathematical equation which fixes the parity price and the fair exchange value that has been promised to the farmer.

The parity price, the fair exchange value, going back to the period of 1909 to 1913, does not contemplate an increased cost of production in respect to the cost of producing an agricultural commodity, and this wage factor has not been injected into the fair-exchange price of any other farm product that has been made a basic commodity under the triple A. Manifestly the injection of any new cost factor destroys the parity and will be charged squarely to the farmer unless we take cognizance of this matter. Therefore, unless the Secretary of Agriculture, in fixing the parity price on sugar beets, in fixing the fair-exchange value, shall take into consideration the fact that increased costs of production are contemplated under the minimum-wage provision and offsets them, the beet sugar farmer will not have the parity price which has been promised him under the bill and under the triple A act.

Therefore, since it is obviously impossible to change the conference report in this respect, much as I should like to do it, I content myself with making the warning statement that the Secretary of Agriculture in fixing the parity price for sugar beets must include in his consideration any increased cost of production as a result of any new minimum-wage requirement, or the parity price which otherwise has been held out as a compensatory promise to the American farmer will not actually reach him except in a very small and inadequate degree. The minimum-wage power in this farm connection, let it be plainly understood, can be misused to wreck the entire domestic sugar industry.

Mr. BORAH. Mr. President, before we dispose of the conference report, I wish to understand the situation. As I understand, if we adopt the conference report, then, the question about which the controversy arises will still be left open for determination; and I understand further that the Senator from Colorado proposes to offer a substitute for the amendment adopted by the House to the amendment of the Senate? Would the Senator from Colorado mind stating what that substitute is?

Mr. COSTIGAN. The Senator from Idaho holds a copy of it in his hands.

Mr. BORAH. Yes; I have just received it at this moment.

Mr. COSTIGAN. In substance, it seeks to provide that any sugar imported prior to the effective date of a processing tax on sugar beets and sugar cane; also any sugar now held or heretofore agreed in good faith to be delivered to a manufacturer for use in production of other articles than sugar; also any articles, other than sugar, processed from sugar beets and cane shall be exempt from the processing tax; also certain sugar in customs control which will have paid the present tariff duty.

The amendment of the House to the amendment of the Senate would exempt only those sugars on which a duty of 2 cents a pound has been paid, representing the effective present sugar tariff. The amendment widens the field to include all sugars held for use in production of other articles than sugar.

Mr. BORAH. Mr. President, I will not delay action on the conference report.

The PRESIDING OFFICER. The question is on the adoption of the report.

Mr. FESS. Mr. President, I still am in confusion as to the parliamentary situation. Here is a conference report;

it is incomplete. The conferees have agreed on certain things, and we are voting on that part, are we?

The PRESIDING OFFICER. The Chair will state that the conference report is complete.

Mr. FESS. Then, in what form is the amendment of the House of Representatives? Is that a point of difference on which the House has offered an amendment?

Mr. BORAH. Mr. President, amendment numbered 59 was inserted in the bill by the Senate. The House has accepted that amendment with an amendment. That is the question that is in controversy.

Mr. FESS. Are we going to act upon the suggestion of House, accept the amendment of the House with an amendment, or are we going to adopt a substitute and send it back to conference?

Mr. COSTIGAN. The first motion is to adopt the conference report.

Mr. FESS. I understand that.

Mr. COSTIGAN. Following that, a motion will be made to adopt a substitute for the House amendment to the amendment of the Senate numbered 59, and the substitute, if adopted, will be transmitted to the House for further action.

Mr. FESS. That is what I wanted to know.

Mr. ROBINSON of Arkansas. Mr. President, I should like to ask a question. If the conference report shall be agreed to, the only remaining matter in dispute will be involved in the amendment to which reference has just been made?

Mr. COSTIGAN. The Senator from Arkansas has accurately stated the situation.

Mr. KING. Mr. President, I was one of the conferees in the consideration of the bill to which reference has been made. During the conference—and I do not think it improper for me to state my position—I opposed the motion that the Senate recede from the provision embraced in the amendment numbered 35 in the bill as presented for consideration, and which was under consideration by the conferees. I believed that the Senate conferees should follow the instructions of the Senate and support its action. After the conferees, aside from myself, had agreed upon all matters in dispute, and I perceived that further delay would prove injurious to the sugar industry, I reluctantly joined in the report. I did it only because the situation of the growers of sugar beets was so serious, indeed, so precarious, that it was imperative, if any legislation was to be enacted at this session, that it be enacted quickly. I feared that if delays were had by reason of the continuation of the controversial features of the bill some of the advantages expected from this measure would be lost.

The Senator from Michigan [Mr. Vandenberg] has just adverted to the fact that this is the first of the basic agricultural crops where the Department has reached out its powerful hands for the purpose of fixing the minimum wage with respect to an agricultural crop. It seemed to me that it was unfair to select the sugar-beet industry and the sugar-cane industry of the continental United States, as the first one upon which to assert this great power, which, if improperly and unwisely exercised, will seriously affect the industry. I repeat, if the Secretary of Agriculture shall capriciously or unfairly exercise the conferred authority, or shall proceed without reference to the peculiar conditions incident to the sugar-beet industry, a very grave injustice will result to this industry—an injustice so great that it will exceed in its evil consequences any benefits that may be derived.

As stated, I signed the report reluctantly, not free from apprehensions as to the benefits which may be derived from the proposed legislation.

I have heretofore stated that, in my opinion, with the large consumptive need for sugar, it was not opportune to restrict the production of sugar in continental United States. I should like to see this important industry developed. Our efforts to impose restrictions such as contained in the measure before us do not meet my approval.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. COSTIGAN. Mr. President, I ask the Chair to lay before the Senate the action of the House on the amendment of the Senate numbered 59.

The PRESIDING OFFICER. The Chair lays before the Senate the following message from the House, which will be read.

The legislative clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES
OF THE UNITED STATES,
April 24, 1934.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 59 to the bill (H.R. 8861) to include sugar beets and sugar cane as basic agricultural commodities under the Agricultural Adjustment Act, and for other purposes, and concur therein with the following amendment:

In the matter proposed to be inserted by said amendment, after the letter "(c)" insert "Any sugar, imported prior to the effective date of a processing tax on sugar beets and sugar cane, with respect to which it is established (under regulations prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury) that there was paid at the time of importation a duty at the rate in effect on January 1, 1934, shall be exempt from taxation under this title."

Mr. COSTIGAN. Mr. President, I move to concur in the House amendment to the Senate's amendment no. 59 with an amendment in the nature of a substitute which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment in the nature of a substitute submitted by the Senator from Colorado.

The LEGISLATIVE CLERK. In the nature of a substitute for the amendment of the House for the amendment of the Senate no. 59 it is proposed to insert the following:

(1) Any sugar, imported prior to the effective date of a processing tax on sugar beets and sugar cane, with respect to which it is established (under regulations prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury) that there was paid at the time of importation a duty at the rate in effect on January 1, 1934, and (2) any sugar held on April 25, 1934, by, or to be delivered under a bona fide contract of sale entered into prior to April 25, 1934, to, any manufacturer or converter, for use in the production of any article (except sugar) and not for ultimate consumption as sugar, and (3) any article (except sugar) processed wholly or in chief value from sugar beets, sugar cane, or any product thereof, shall be exempt from taxation under subsection (a) of this section, but sugar held in customs custody or control on April 25, 1934, shall not be exempt from taxation under subsection (a) of this section, unless the rate of duty paid upon the withdrawal thereof was the rate of duty in effect on January 1, 1934.

Mr. LONG. Mr. President, I should like to ask the Senator from Colorado a question. Does this affect the proviso that the year shall begin on January 1?

Mr. COSTIGAN. The calendar year is not affected in the computation of quotas.

Mr. LONG. That is what I desired to know.

Mr. VANDENBERG. Mr. President, to make the record clear, may I ask the Senator from Colorado if the effect of the substitute is to put floor stocks of domestic sugar on the same basis as floor stocks of imported sugar in respect to floor-stock taxes?

Mr. COSTIGAN. That is the purpose of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado in the nature of a substitute for the amendment of the House to the amendment of the Senate numbered 59.

The amendment to the amendment was agreed to.

Mr. NORRIS. Mr. President, does not the Senator from Colorado want to submit a motion to send this action to further conference?

Mr. COSTIGAN. Yes. I move that the Senate insist on its amendment, ask for a further conference, and that the Chair appoint the conferees.

Mr. ROBINSON of Arkansas. Mr. President, is it expected that the body at the other end of the Capitol will accept the amendment?

Mr. COSTIGAN. It is hoped that it will.

Mr. ROBINSON of Arkansas. Then if it becomes necessary to have a further conference, the House will ask for it. I suggest that the Senator from Colorado withdraw his motion.

Mr. NORRIS. The adoption of the motion now offered by the Senator from Colorado will not prevent the House accepting the amendment if it wants to do so. If the Senator's motion shall be agreed to, we will get final action on the sugar bill much more quickly than if it had not been presented. It merely means taking a step in advance.

Mr. COSTIGAN. I will ask for a vote on my motion, including the appointment of conferees by the Chair, assuming, without urging, that the Chair will appoint the same conferees who have been deliberating on the sugar bill.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Colorado.

The motion was agreed to; and the Presiding Officer appointed Mr. HARRISON, Mr. KING, Mr. GEORGE, Mr. COSTIGAN, Mr. REED, and Mr. COUZENS conferees on the part of the Senate.

BONDS OF HOME OWNERS' LOAN CORPORATION—CONFERENCE REPORT

Mr. BULKLEY submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2999) to guarantee the bonds of the Home Owners' Loan Corporation, to amend the Home Owners' Loan Act of 1933, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That (a) section 4 (c) of the Home Owners' Loan Act of 1933 is amended to read as follows:

"(c) The Corporation is authorized to issue bonds in an aggregate amount not to exceed $2,000,000,000, which may be sold by the Corporation to obtain funds for carrying out the purposes of this section, or exchanged as hereinafter provided. Such bonds shall be in such forms and denominations, shall mature within such periods of not more than 18 years from the date of their issue, shall bear such rates of interest not exceeding 4 percent per annum, shall be subject to such terms and conditions, and shall be issued in such manner and sold at such prices, as may be prescribed by the Corporation, with the approval of the Secretary of the Treasury. Such bonds shall be fully and unconditionally guaranteed both as to interest and principal by the United States, and such guaranty shall be expressed on the face thereof, and such bonds shall be lawful investments, and may be accepted as security, for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of the United States or any officer or officers thereof. In the event that the Corporation shall be unable to pay upon demand, when due, the principal of, or interest on, such bonds, the Secretary of the Treasury shall pay to the holder the amount thereof which is hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated, and thereupon to the extent of the amount so paid the Secretary of the Treasury shall succeed to all the rights of the holders of such bonds. The Secretary of the Treasury, in his discretion, is authorized to purchase any bonds of the Corporation issued under this subsection which are guaranteed as to interest and principal, and for such purposes the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds from the sale of any securities hereafter issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such act, as amended, are extended to include any purchases of the Corporation's bonds hereunder. The Secretary of the Treasury may, at any time, sell any of the bonds of the Corporation acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of the bonds of the Corporation shall be treated as public-debt transactions of the United States. The bonds issued by the Corporation under this subsection shall be exempt, both as to principal and interest, from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by the United States or any District, Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority. The Corporation, including its franchise, its capital, reserves and surplus, and its loans and income, shall likewise be exempt from such taxation; except that any real property of the Corporation shall be subject to taxation to the same extent, according to its value, as other real property is taxed. No such bonds shall be issued in excess of the assets of the Corporation, including the assets to be obtained from the proceeds of such bonds, but a failure to comply with this provision shall not invalidate the bonds or the guaranty of the same. The Corporation shall have power to purchase in the open market at any time and at any price not to exceed par any of the bonds issued by it. Any such bonds so purchased may, with the approval of the Secretary of the Treasury, be sold or resold at any time and at any price. For a period of 6 months after the date this subsection, as amended, takes effect, the Corporation is authorized to refund any of its bonds issued prior to such date or any bonds issued after such date in compliance with commitments of the Corporation outstanding on such date, upon application of the holders thereof, by exchanging therefor bonds of an equal face amount issued by the Corporation under this subsection as amended, and bearing interest at such rate as may be prescribed by the Corporation with the approval of the Secretary of the Treasury; but such rate shall not be less than that first fixed after this subsection, as amended, takes effect on bonds exchanged by the Corporation for home mortgages. For the purpose of such refunding the Corporation is further authorized to increase its total bond issue in an amount equal to the amount of the bonds so refunded. Nothing in this subsection, as amended, shall be construed to prevent the Corporation from issuing bonds in compliance with commitments of the Corporation on the date this subsection, as amended, takes effect.

"(b) The amendments made by subsection (a) of this section (except with respect to refunding) shall not apply to any bonds heretofore issued by the Home Owners' Loan Corporation under such section 4 (c), or to any bonds, hereafter issued in compliance with commitments of the Corporation outstanding on the date of enactment of this act.

"SEC. 2. Section 4 of the Home Owners' Loan Act is further amended by adding at the end thereof the following new subsections:

"'(l) No home mortgage or other obligation or lien shall be acquired by the Corporation under subsection (d), and no cash advance shall be made under subsection (f), unless the applicant was in involuntary default on June 13, 1933, with respect to the indebtedness on his real estate and is unable to carry or refund his present mortgage indebtedness: *Provided*, That the foregoing limitation shall not apply in any case in which it is specifically shown to the satisfaction of the Corporation that a default after such date was due to unemployment or to economic conditions or misfortune beyond the control of the applicant, or in any case in which the home mortgage or other obligation or lien is held by an institution which is in liquidation.

"'(m) In all cases where the Corporation is authorized to advance cash to provide for necessary maintenance and to make necessary repairs it is also authorized to advance cash or exchange bonds for the rehabilitation, modernization, rebuilding, and enlargement of the homes financed; and in all cases where the Corporation has acquired a home mortgage or other obligation or lien it is authorized to advance cash or exchange bonds to provide for the maintenance, repair, rehabilitation, modernization, rebuilding, and enlargement of the homes financed and to take an additional lien, mortgage, or conveyance to secure such additional advance or to take a new home mortgage for the

whole indebtedness; but the total amount advanced shall in no case exceed the respective amounts or percentages of value of the real estate as elsewhere provided in this section. Not to exceed $200,000,000 of the proceeds derived from the sale of bonds of the Corporation shall be used in making cash advances to provide for necessary maintenance and necessary repairs and for the rehabilitation, modernization, rebuilding, and enlargement of real estate securing the home mortgages and other obligations and liens acquired by the Corporation under this section.'

"SEC. 3. The sixth sentence of section 4 (a) of the Home Owners' Loan Act of 1933 is amended to read as follows: 'The Corporation may at any time grant an extension of time to any home owner for the payment of any installment of principal or interest owed by him to the Corporation, if in the judgment of the Corporation, the circumstances of the home owner and the condition of the security justify such extension.'

"SEC. 4. Subsection (g) of section 4 of the Home Owners' Loan Act of 1933 is hereby amended to read as follows:

"'(g) The Corporation is further authorized to exchange bonds and to advance cash to redeem or recover homes lost by the owners by foreclosure or forced sale by a trustee under a deed of trust or under power of attorney, or by voluntary surrender to the mortgagee subsequent to January 1, 1930, subject to the limitations provided in subsection (d) of this section.'

"SEC. 5. Section 5 of the Home Owners' Loan Act of 1933 is amended by adding at the end thereof the following new subsections:

"'(j) In addition to the authority to subscribe for preferred shares in Federal savings and loan associations, the Secretary of the Treasury is authorized on behalf of the United States to subscribe for any amount of full paid income shares in such associations, and it shall be the duty of the Secretary of the Treasury to subscribe for such full paid income shares upon the request of the Federal Home Loan Bank Board. Payment on such shares may be called from time to time by the association, subject to the approval of said Board and the Secretary of the Treasury, and such payments shall be made from the funds appropriated pursuant to subsection (g) of this section; but the amount paid in by the Secretary of the Treasury for shares under this subsection and such subsection (g), together shall at no time exceed 75 percent of the total investment in the shares of such association by the Secretary of the Treasury and other shareholders. Each such association shall issue receipts for such payments by the Secretary of the Treasury in such form as may be approved by said Board and such receipts shall be evidence of the interest of the United States in such full paid income shares to the extent of the amount so paid. No request for the repurchase of the full paid income shares purchased by the Secretary of the Treasury shall be made for a period of 5 years from the date of such purchase, and thereafter requests by the Secretary of the Treasury for the repurchase of such shares by such associations shall be made at the discretion of the Board; but no such association shall be requested to repurchase any such shares in any one year in an amount in excess of 10 percent of the total amount invested in such shares by the Secretary of the Treasury. Such repurchases shall be made in accordance with the rules and regulations prescribed by the Board for such associations.

"'(k) When designated for that purpose by the Secretary of the Treasury, any Federal savings and loan association or member of any Federal home loan bank may be employed as fiscal agent of the Government under such regulations as may be prescribed by said Secretary and shall perform all such reasonable duties as fiscal agent of the Government as may be required of it. Any Federal savings and loan association or member of any Federal home loan bank may act as agent for any other instrumentality of the United States when designated for that purpose by such instrumentality of the United States.'

"SEC. 6. Section 5 (i) of the Home Owners' Loan Act of 1933 is amended to read as follows:

"'(i) Any member of the Federal home loan bank may convert itself into a Federal savings and loan association under this act upon a vote of 51 percent or more of the votes cast at a legal meeting called to consider such action; but such conversion shall be subject to such rules and regulations as the Board may prescribe, and thereafter the converted association shall be entitled to all the benefits of this section and shall be subject to examination and regulation to the same extent as other associations incorporated pursuant to this act.'

"SEC. 7. (a) The first sentence of the eighth paragraph of section 13 of the Federal Reserve Act, as amended, is further amended by inserting before the semicolon, after the words 'Federal Farm Mortgage Corporation Act', a comma and the following: 'or by the deposit or pledge of bonds issued under the provisions of subsection (c) of section 4 of the Home Owners' Loan Act of 1933, as amended.'

"(b) Paragraph (b) of section 14 of the Federal Reserve Act, as amended, is further amended by inserting after the words 'bonds of the Federal Farm Mortgage Corporation having maturities from date of purchase of not exceeding 6 months', a comma and the following: 'bonds issued under the provisions of subsection (c) of section 4 of the Home Owners' Loan Act of 1933, as amended, and having maturities from date of purchase of not exceeding 6 months.'

"SEC. 8. The Federal Reserve banks are authorized, with the approval of the Secretary of the Treasury, to act as depositaries, custodians, and fiscal agents for the Home Owners' Loan Corporation.

"SEC. 9. The Home Owners' Loan Corporation is authorized to buy bonds or debentures of Federal home loan banks upon such terms as may be agreed upon or to loan money to Federal home loan banks upon such terms as may be agreed upon but not to exceed $50,000,000 shall be invested or advanced under this section.

"SEC. 10. The first sentence of section 10 (b) of the Federal Home Loan Bank Act, as amended, is amended by inserting before the period at the end thereof a comma and the following: 'unless the amount of the debt secured by such home mortgage is less than 50 percent of the value of the real estate with respect to which the home mortgage was given, as such real estate was appraised when the home mortgage was made.'

"SEC. 11. Section 6 of the Home Owners' Loan Act of 1933 is amended by adding at the end thereof the following new sentences: 'For the purposes of this section the Secretary of the Treasury is authorized and directed to allocate and make immediately available to the Board, out of the funds appropriated pursuant to section 5 (g), the sum of $500,000. Such sum shall be in addition to the funds appropriated pursuant to this section, and shall be subject to the call of the Board and shall remain available until expended.'

"SEC. 12. Subsection (e) of section 8 of the Home Owners' Loan Act of 1933, is hereby amended to read as follows:

"'(e) No person, partnership, association, or corporation shall, directly or indirectly, solicit, contract for, charge or receive, or attempt to solicit, contract for, charge or receive any fee, charge, or other consideration from any person applying to the Corporation for a loan, whether bond or cash except ordinary fees authorized and required by the Corporation for services actually rendered for examination and perfection of title, appraisal, and like necessary services. Any person, partnership, association, or corporation violating the provisions of this subsection shall, upon conviction thereof, be fined not more than $10,000, or imprisoned not more than 5 years, or both.'

"SEC. 13. Subsection (k) of section 4 of the Home Owners' Loan Act of 1933 is hereby amended by inserting a new sentence after the second sentence of such subsection as follows: 'All payments upon principal of loans made by the Corporation shall under regulations made by the Corporation be applied to the retirement of the bonds of the Corporation.'

"SEC. 14. The eighth sentence of section 4 (a) of the act entitled 'An act to provide for the establishment of a Cor-

poration to aid in the refinancing of farm debts, and for other purposes', approved January 31, 1934, is amended to read as follows: 'No such bonds shall be issued in excess of the assets of the Corporation, including the assets to be obtained from the proceeds of such bonds, but a failure to comply with this provision shall not invalidate the bonds or the guaranty of the same.'

"SEC. 15. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby."

And the House agree to the same.

ROBERT J. BULKLEY,
ALBEN W. BARKLEY,
Managers on the part of the Senate.

HENRY B. STEAGALL,
T. ALAN GOLDSBOROUGH,
ANNING S. PRALL,
ROBERT LUCE,
CARROLL L. BEEDY,
Managers on the part of the House.

Mr. BULKLEY. Mr. President, the House struck out all after the enacting clause of the bill as it passed the Senate and inserted new matter. Necessarily, therefore, the conference report is, in the form submitted, an entirely new bill. The conference report has been before the Senate for a week. I believe the only matter in controversy will be the so-called "Norris amendment" which undertook to provide that in the appointment and promotion of employees of the Home Owners' Loan Corporation there should be no preference given on account of partisan or political reasons. I shall not undertake to discuss the merits of the amendment, but only to state to the Senate what the problem was before the conferees.

It will be remembered that in the Senate the Norris amendment was adopted by a rather close vote, and later on the same date a motion to reconsider the vote by which the amendment was adopted was defeated by only a single vote. After the House had passed the bill not containing anything equivalent to the Norris amendment, a motion was made to instruct the House conferees to concur in the Norris amendment. A record vote was had on that motion in the House and was lost by a majority of almost exactly 2 to 1. Under the circumstances the House conferees felt that they should not be asked to yield in conference. On behalf of the Senate conferees I am obliged to say that we had to agree with that view.

I therefore submit, inasmuch as the amendment does not relate to the original subject matter of the bill and contains a proposed method of employment and promotion of the employees that is not generally applicable to all branches of the Government service, but would make an exception of the Home Owners' Loan Corporation, and inasmuch as the House has very emphatically refused to accede to the amendment, that the constructive thing to do now is for the Senate to yield on the matter and permit the proposed legislation to be enacted.

I have nothing further to say; and, unless the Senator from Nebraska desires to say something, I ask for a vote.

Mr. NORRIS obtained the floor.

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

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

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

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

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

Mr. NORRIS. Mr. President, this conference report ought to be rejected.

As the home loan bill passed the Senate, it contained an amendment reading as follows:

> In the appointment of agents and the selection of employees for said Corporation, and in the promotion of agents or employees, no partisan political test or qualification shall be permitted or given consideration, but all agents and employees shall be appointed, employed, or promoted solely upon the basis of merit and efficiency. Any member of the Board who is found guilty of a violation of this provision by the President of the United States shall be removed from office by the President of the United States, and any agent or employee of the Corporation who is found guilty of a violation of this section by the Board shall be removed from office by said Board.

That amendment was disagreed to by the House, and the bill went into conference; and while there were some other amendments of minor importance, there was no difficulty in agreeing upon the conference report except in the case of that amendment.

The conference report has obliterated that amendment from the bill; and because I believe such action is fundamentally wrong, and that it would be to the best interests of the Government and the taxpayers of the United States that the amendment should be retained, I am opposed to the conference report.

Mr. PITTMAN. Mr. President——

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

Mr. NORRIS. I yield to the Senator.

Mr. PITTMAN. I am in entire accord with the Senator with regard to selecting these men for efficiency. I think the Senate amendment which was not agreed to by the House would have been clearer, however, and probably would have been agreed to by the House, if the Senator had made one addition to it; and I say that in all seriousness.

In my own State, for instance, 90 percent of the appointees under the National Recovery Act are not only Republicans, but what might be termed "active Republicans", because most of them have held office under Republican administrations, and have been members of Republican committees. I think possibly if the Senator had added to the amendment at the time the statement that service as a Democrat should not be prima facie evidence of inefficiency, the amendment might have been agreed to in the House. I wish to say now, however, so far as my State is concerned, that the fact that a man has affiliated with the Democratic Party, even though not in the capacity of a politician, is an indication of inefficiency. I wish to say, further, that any recommendation by myself or by the junior Senator from Nevada [Mr. McCARRAN], or by the Representative from the State of Nevada is taken as prima facie evidence that the appointment is a purely political one, and is not based upon efficiency.

I really think that the House, in construing this amendment, has taken the definition of efficiency as adopted by the various branches of the Government under the N.R.A.

Mr. NORRIS. Mr. President, with all due respect to the Senator from Nevada, I realize that his interruption is not a question; it is a speech, and a very good one, from his point of view. While in the course of my remarks I will yield for interruptions, I prefer that Senators shall not interrupt me to make an argument on this subject. They can do that in their own time. I shall answer the suggestions made in the interruption of the Senator from Nevada, but I probably should have done so without any inter-

ruption, because he has made the argument which has been made over and over again in the discussion of this question.

Mr. PITTMAN. I shall not interrupt the Senator further.

Mr. NORRIS. Mr. President, I realize that I may be entirely wrong in my views of government. Perhaps I am mistaken. Perhaps I have been laboring under a delusion for years, when I have advocated efficiency in government; but, if I am right in my belief, this amendment is fundamental.

I think the vote we are about to take is more important than any vote this Congress has taken heretofore. I feel very deeply about this amendment. It involves my political religion. I am in earnest about the matter. I am not guilty of what is charged in some of the insinuations that have been made by Members of Congress and people outside of Congress in the discussion of this amendment which has gone on for the past 10 days. I am standing for a principle of government which I believe will purify our Government, or tend to do so, and put it on a higher plane.

This bill is an amendment of the Home Loan Act. Under its provisions the principal of the loan, as well as the interest, is guaranteed by the Federal Government. The bill undertakes to save thousands and thousands of homes which now are about to be lost under foreclosure proceedings. It uses the taxpayers' money to do it. The bill is entirely a business proposition. It involves the appointment of attorneys, agents, and employees all over the United States. There is not a city or a village or a hamlet under the flag of continental America where employees will not be appointed under the provisions of this bill.

While I have always advocated, and still do, that every Member of the Senate should vote his conscientious convictions, and while I may say some things in the course of my remarks which are harsh, I want no Senator who is listening to me to think for a moment that I am intending any criticism of any Senator for voting as he pleases, and as he believes to be right, either upon this question or upon any other.

What I am about to say I want to have those who listen to me construe as an honest attempt on my part to do my duty here without the intention of injuring the feelings of any Senator or any other individual. Nor do I want anything I say construed as a criticism of one political party more than another. I am advocating here nonpartisanship. I am advocating efficiency in government.

A few nights ago I listened to a speech made over the radio by young Mr. Couzens, mayor of Detroit. In that speech he said that what we need is more business and less politics in government.

I wish I could burn those words into the brain of every citizen of the United States. I wish every man and woman, regardless of politics, might realize that the Federal Government is confronted with a business proposition, the proposition of using taxpayers' money to save the homes of millions of our poor, and that politics never ought to enter into the appointment of anyone in connection with that activity.

Mr. President, it was said, shortly after I offered the amendment, and after it had been agreed to by the Senate, that the real intention of the amendment was to give offices to Republicans. We could draw the same conclusion, justly, perhaps, from the interruption of the Senator from Nevada.

Mr. President, with all the vigor I possess, I deny that insinuation. I assert here and now that there is no such idea in my mind, there never has been, and I object to being put into the category of being a pie-counter politician. "More business and less politics in government!"

We are the trustees of the fund we are about to appropriate. We are to appropriate over $2,000,000,000—billions—to carry out the provisions of this law. We are going to employ thousands and thousands of employees, and it is beyond my conception of honest government that all these jobs should be given out with politics in mind. I am opposed to that.

As I said a while ago, I may be wrong, but I honestly believe what I am stating, and I object to any man, here or elsewhere, trying to put me in the attitude of one offering an amendment in order to get jobs for any political party. I deny that. I am emphatic about denying it. I mean it.

Mr. President, in the consideration of this amendment, through the clouds of doubt, through the mists, there is one shining light; there is one voice we can hear through it all, and it is the voice of Roosevelt, pleading for the adoption of this amendment, his voice falling on Democratic ears deaf to his appeals. We also have the appeal of the man who is at the head of this corporation, Mr. Fahey, asking for this kind of legislation.

Do not forget, my Democratic friends, that if the people of this country think as I do—and I believe the majority of them do—our vote upon this conference report is going to be regarded all over the country as a fundamental vote. We are going to be held responsible by the American people for the laws under which we permit $2,000,000,000 of their money to be expended.

We are trustees of that fund. It is a sacred fund. We are dealing with the homes of our poor. We are trying to save the homes of our poor. It seems to me that we ought to remember at all times, in connection with this amendment, which has nothing to do with politics, which has to do with nothing but business, which is nothing but an act of charity to our poor, that we ought not to have this fund used to build up the policies or the machines of any political party on earth. That is the only aim of the amendment.

It ought to be said, I think, because it is true, that the Democratic Party is in the majority in both the House and the Senate, and that party cannot escape, it ought not to escape, whatever criticism may come from the action taken here upon the conference report.

Mr. President, already some of the agents of the Board, under the law as it stands now, have been guilty of the grossest crimes of political action. Already, with the machine only half built up, before this law passes, under which it will be enlarged, politics has crept in, with its corrupting influence, and has nominated many of the appointments which have been made under the law.

The amendment aims at freeing the hands of the men now in charge of this great piece of constructive and humanitarian legislation. Bear that in mind. We are called upon here to free the hands of the men who shall administer the money which is to come out of the Treasury of the United States to save the homes of our brethren. These men are honestly attempting to do their work in a disinterested way. Many of them at great personal sacrifice to themselves are trying to translate into reality the idealism which was in the minds of the Congress and the President of the United States when the original act was passed.

Has any Senator any doubt as to what these men are struggling against? Is there any doubt as to what they are listening to, in the gossip which is going about in so many of the localities where the representatives of this Corporation are engaged in the refinancing authorized?

Recently the newspapers carried the information that in California the local State manager had acquiesced in and was probably a partial beneficiary of an organized attempt to assess employees of the Federal Home Loan Corporation.

From Illinois comes similar word. Read some of the statements made in the House of Representatives by some of the Representatives from Illinois, in which State some of the most corrupt things were divulged. Some of the men involved have been discharged, or have resigned. The Department of Justice is now engaged in investigating, with a view to bringing criminal action against some of those men.

Pennsylvania is another instance. I could use names, if I thought it were proper, to show that in that great State, in order to get an appointment, one has to have the favor of a certain politician. The Democratic chairman of every county committee in the United States is going to have in his hands the giving out of jobs, if we turn this matter over to politics.

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

Mr. NORRIS. I yield.

Mr. LONG. I was hoping the Senator would not leave out the fact that the head of the national organization, Mr. Fahey, has shown 65 cases of rotten corruption in the State of Louisiana, and has condemned them, but we still have them, and I cannot find anything here that is going to get them out of the way.

Mr. NORRIS. Mr. Fahey is but a human being; he is an honest man, engaged in a stupendous task. He has to look after all parts of the United States, and he is only human. We can appreciate his difficulties if we put ourselves in his place and imagine a political machine bearing down on us. In many places it is in the power of the local people to make the movement a success or a failure. Mr. Fahey does not want to turn these men down. He wants to have a law so he can say, "You cannot make these appointments. These appointments shall not be measured out as political plums." It is the same with all the others.

Mr. President, we cannot conceal the fact that in many localities now political bosses have in their hands the appointment of officials ready to go into office as soon as this law is enacted. The painters who want jobs to paint houses, the men who want to sell lumber, the men who want to furnish the bathroom and toilet facilities, realize that they must cross the palm of some political leader or they will stand no show of getting the job. It is going to percolate clear through the entire system.

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

Mr. NORRIS. I yield.

Mr. McKELLAR. I can say to the Senator so far as one bureau of the Government is concerned, that the Alcoholic Beverage Bureau has recently made some 15 or 20 appointments in my State, and I am advised that every single one of the appointees is a Republican. So I am wondering how the thing is going to work.

Mr. NORRIS. All right; let us consider that illustration. If Democrats who are hunting for jobs are complaining now that they do not get any jobs, that Republicans are getting them all, the Democrats ought to be for this amendment, for then perhaps they would stand some show, unless they admit, which I do not charge, that they cannot get efficiency in the Democratic Party. It seems to me that Democrats must take one horn of the dilemma or the other.

Those who complain that they are not getting patronage ought not to object to the amendment. It does not mean, Mr. President, as I look at it, because a Senator or a Member of the House of Representatives or the chairman of the State committee does not get what he wants, that this proposed law is to be passed against them. Under existing law, such a thing has happened. I read in the public press, in an Associated Press dispatch which was sent all over the country, that corruption is already rife in connection with a great many of these appointments. It cannot be otherwise.

In the little towns of four or five hundred people it will be known by everybody there that somebody is a political boss, and that he controls the patronage. The school children will point him out as they go to school, "There is the man." Perhaps the father of the little children had said the night before around the fireside, "I have got to cross his palm", or he could not get a job as a carpenter, or he could not sell this material or that material.

Mr. President, it reminds me of an incident in my own life. I remember one time, a great many years ago, when I was busy in my library working on some problem, my daughter came into my study asking some favor that she thought was necessary in her childish life. Perplexed and annoyed as I was somehow, I said, "Why, Marian, why do you bother me with that? I do not know anything about it. Why do you not go to your mother?" She said, "Well, papa, I did intend to go to mother, but I found she had just dropped a custard pie upside down on the kitchen floor and she looked awful sad." [Laughter.]

The children are going to know about this matter, and they will grow up to be voters some day, and this action, which, if it shall be taken, will come as a party action, will condemn the party in the future. I do not want to condemn it for that reason. I have an interest in the administration—personal, I think. Supporting a man creates that kind of an interest. I have no other interest. I do not want to see the head of the administration drawn down by the failure of this Congress to enact such wholesome legislation as this. The world is going to see through the silly idea that "we are going to get good men but they must all be Democrats." That is an old story. Why try to fool each other here? We know better than that. We know that will not happen. To paraphrase a quotation from Lowell:

> Would you build your thrones and your altars then
> Upon the bodies and the souls of innocent men?
> Think you that temple will endure
> That feeds the boss and starves the poor?

The judgment will come some time. It will come surely. This fundamental principle of government is going to be put into force by those who are children now and who see the evil that will exist if such a provision as the one under discussion shall not be put into the law.

Mr. President, I could continue at some length to show what is happening now, and honestly draw the conclusion that it will be multiplied when the offices are multiplied. I am not a prophet, and do not desire to be one, but if my experience is worth anything those who have taken this amendment out of the bill, if they keep it out, are going to rue the day they took such action. They will find that their President, when he runs for reelection, although not to blame himself, is going to meet the charge that his party has organized a corrupt machine and sacrificed the poor of our country for the sake of building up a political machine. That time will come. It cannot be escaped any more than we can escape the rising of the sun in the morning. I do not want the President to suffer in that way. It is not right that he should, but he will, and if it is a close contest it may be decisive of the result.

Mr. President, if I were President of the United States today I would issue an order to the head of every department, to the head of every bureau, and every commission that has any Federal appointments to make, and I would say in that order "You shall henceforth pay no attention to recommendations for office made by Members of the Senate or Members of the House of Representatives." Then I would send a message to Congress and I would quote the order to them, and I would say, "This does not mean that I do not have confidence in you, but this means that I am trying to carry out my sworn duty under the Constitution of the United States which provides there shall be executive and legislative and judicial functions of Government, and that the meaning has always been construed to be that they should be separate and kept separate, and, therefore, there would be no trading between the executive department and the legislative department based on patronage and political plums and pie, especially where no policy of Government is involved, especially where we are only going to save some homes in a business way, and particularly where we are using the taxpayers' hard-earned cash to do it."

I would favor a law, and I think we ought to have such a law on our statute books, which would take away from every Representative and every Senator any influence, direct or implied, in the appointment of any Federal official. Keep the two functions of Government separate. Keep them separate now. Keep them separate forever.

We have executive departments of Government and we provide in the law that the head of this bureau or that bureau shall appoint these men. We do not mean that. We mean that the head of that bureau shall appoint men who are recommended by Senators or Representatives. If we are in earnest, if we think these political plums ought to fall into the laps of Senators and Representatives, why do we not have the courage to put it into the law? Why do we not provide in the law that all appointments shall be made by Senators and Representatives and chairmen of political committees and chairmen of county committees? Why do we not have the courage of our convictions and let that be the law?

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

Mr. NORRIS. I yield.

Mr. McKELLAR. Not only the law, but the Constitution provides that the President shall make the appointments by and with the advice and consent of one of the legislative bodies, namely, the Senate. Is not that true?

Mr. NORRIS. Yes; but the President is not going to make appointments by and with the consent of this body of one of these employees, not one out of a thousand, none of them. They are not going to be appointed by the President. The bill says—I presume it says, if I am not mistaken—Mr. Fahey shall make these appointments. Does the Senator want to make them? If he does, why not say in the law, "The appointments shall be made upon recommendations from Senators, recommendations from Representatives, recommendations made by the chairmen of the Democratic county central committee, and the Democratic State committee, and the Democratic National Committee"?

Why not say in the law itself, if that is what is meant, that Mr. Farley shall make these appointments? Why not put the head of the whole organization right in power and let him decide what shall be done? I do not say he would do poorly at the job. He would do the best he could, probably. I am simply saying that ought to be in the law if he is going to do the work. We ought to give the authority to the men who are going to try to make the appointments.

Do Senators want to hold up the hands of this man Fahey, pleading as he does and has for days for this kind of an amendment? Are Senators going to uphold him on the ground that the appointees are not going to be Democrats, anyway? If not, why not adopt the amendment? If it is harmless and not going to do any harm, why is any Senator afraid of it? Why not put it on the statute books?

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Ohio.

Mr. NORRIS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. NEELY. Mr. President, the great anti-Democratic parade again passes in review preparatory to another desperate effort to deprive deserving members of the party of Jefferson of the fruits of their victory of 2 years ago.

In the last general election an overwhelming majority of the American voters solemnly declared that they desired the affairs of this Government administered by members of the Democratic Party during the 4 years succeeding the 4th day of March 1933. A vote in favor of the adoption of the pending conference report on the Home Owners' Loan Corporation bill will be responsive to the heart's desire of the American people as recorded in the last election. A vote against the adoption of the report, or, in other words, a vote in favor of the Norris amendment will be in defiance of the Nation-wide verdict of 1932.

The Norris amendment is based upon the erroneous premise that there are not enough intelligent and honest Democrats in the United States to administer properly and efficiently the affairs of the Home Owners' Loan Corporation. Against this unwarranted and offensive premise the vigorous protest of every Democratic member of the Senate ought to be registered.

The persistent and heroic efforts of the Senator from Nebraska to force his anti-Democratic amendment into the law have produced at least one glorious consummation. They have wrought the miracle of solidly uniting, for the first time in history, all on the Republican side of the Senate aisle under a single leader and under a single banner. That banner bears this legend, "United we stand forever and ever against the administration of governmental affairs by members of the Democratic Party." With a singleness of purpose and a patriotic devotion to duty never surpassed in this or any other legislative body, all of the reactionaries, Progressives, Farm-Laborites, and unclassified members on the Republican side of the Senate are now following the leadership of the peerless Progressive from Nebraska with as great enthusiasm as the rats and mice followed the Pied Piper of Hamelin town.

Let me very emphatically acquit the Senator from Nebraska of any suspicion of political hypocrisy or partisan intention in this matter. His motives are undoubtedly pure. So are the motives of a few of the others who are supporting the amendment.

For example, the Senator from Idaho [Mr. BORAH], the Senator from Minnesota [Mr. SHIPSTEAD], the Senator from Wisconsin [Mr. LA FOLLETTE], and three or four others on the Republican side, undoubtedly, favor the amendment for reasons that are untainted by political ambition or partisan desire. But the majority of those who voted to incorporate the amendment in the bill before it was sent to conference were, in my opinion, actuated by a single impulse, and that was to obtain appointments from the Home Owners' Loan Corporation for reactionary Republicans which rightfully belong to Democrats according to the rules of political conduct which have been highly honored and implicitly obeyed ever since the administration of John Adams.

It is argued with more heat than logic that the amendment is nonpartisan and that those who favor it are politically as pure as the icicles that hang from Diana's temple. Not by way of challenging the sincerity of the argument in favor of the amendment but solely to point out an extraordinary coincidence in nonpartisanism, let me invite your attention to the manner in which Republican Senators in the first instance voted on the proposal.

Mr. GORE. Mr. President, how many Republicans did vote for it?

Mr. NEELY. Mr. President, the able Senator from Oklahoma will find that a list of the Republican members who supported the amendment is identical with the census of the Republican side of the Senate chamber. The Republican Senators who voted for it, as shown by the CONGRESSIONAL RECORD, are as follows:

Austin, Barbour, Capper, Couzens, Cutting, Davis, Dickinson, Fess, Frazier, Gibson, Goldsborough, Hale, Hastings, Hatfield, Johnson, Kean, Keyes, La Follette, McNary, Metcalf, Norris, Nye, Reed, Robinson of Indiana, Schall, Steiwer, Townsend, Vandenberg.

In other words, you grinning Republicans under the leadership of the great progressive from the West voted your politics a hundred percent on this thoroughly nonpartisan measure. You ought to be ashamed of yourselves. [Laughter.]

You ought not to injure the progressive cause of this country by attempting to use the progressive from Nebraska as a stalking horse for your war upon democracy and your partisan skulduggery.

Nonpartisanism (!), what unspeakable crimes are committed in thy name!

You have noted upon the rollcall that General HASTINGS, the chairman of the Republican senatorial committee; Colonel FESS, the outstanding nonpartisan ex-chairman of the Republican National Committee; Lieutenant Colonel DICKINSON, the nonpartisan keynoter for the last National Republican Convention; Captain REED, the nonpartisan progressive from Pennsylvania; Top Sergeant BARBOUR, the nonpartisan progressive from the State of New Jersey, and, indeed, all the great progressives like HALE, of Maine, and METCALF, of Rhode Island, down to the Republican lance corporals and buck privates, are heroically helping the beloved General NORRIS to fight his battle against Democratic officeholders. And who can ever sound "the depths and shoals" of the devotion of those we have just mentioned to nonpartisanism and progressivism in this country, or appreciate the sincerity of their affection for the Nebraska leader whom they are now following with a fervor exceeding that with which the Mussulmans follow Mohammed?

Is it not fair to assume that the illustrious nonpartisan from Delaware, General HASTINGS, is typical of that large group of progressives who, by actions that speak much more impressively than words, now attest the virtues of the Norris amendment and the inestimable value of the leadership of its author? If so, a miracle as amazing as any recorded in Holy Writ has occurred on the other side of the aisle since the 7th day of February 1934, for on that day, as shown by the CONGRESSIONAL RECORD, General HASTINGS on this floor spoke of his recently accepted leader, the able Senator from Nebraska, as follows:

I might say * * * that while I love the Senator from Nebraska much, I fear him more. If I may be permitted to explain what I mean by that, I would say that his notion about what ought to be done to make the country a better place in which to live is so different from mine that I have always been afraid that if his ideas prevailed it would be disastrous to the country. I am sure he is just as certain that if the ideas I entertain shall prevail the country will be worse off than it is now.

The point I am making is that we have different views. Heretofore my views have pretty generally prevailed, or, putting it another way, my own opinions have pretty generally agreed with what has been done. But during the whole of this time, I repeat, I have been afraid of men like the Senator from Nebraska, and I am more afraid today than I ever was before, because I remember that now there is in the White House an Executive, popular indeed, who, so far as I am able to observe, sees eye to eye with the Senator from Nebraska.

The Senator from Delaware, at the time he made that speech, did not see eye to eye with the Senator from Nebraska, but a few weeks later, when the Senator from Delaware was called upon to vote on the Norris anti-Democratic amendment, he was not only eye to eye but heart to heart and soul to soul with his great progressive leader.

Our sympathy goes out to the Senator from Nebraska because we fear that the company that has voluntarily surrounded him will ruin him for life. When the Senator from Nebraska returns to the plains of his native State and his constituents discover that the Senators from Delaware, Ohio, Iowa, and New Jersey, have become his devoted disciples, and are washing his feet, the "sons of the wild jackass" will literally bray and laugh themselves to death, and there will not be enough of the progressive cause left in Nebraska, or the Nation, over which to hold a coroner's inquest. [Laughter.]

Let me implore you Republican reactionaries not to destroy the great progressive from Nebraska by forcing yourselves upon him. Do not embarrass him by compelling him to defend himself against the charge that he has been the political leader of Senators like FESS, of Ohio; HASTINGS, of Delaware; and REED, of Pennsylvania. Let me appeal to Senators on both sides of the aisle to show their generosity this afternoon by voting down the Norris amendment and thereby saving from disaster the deserving members of both the Progressive and Democratic Parties.

Mr. GORE. Mr. President——

Mr. NEELY. I yield to the Senator from Oklahoma.

Mr. GORE. I think the Senator from West Virginia ought to show his generosity by reading into the RECORD the names of the Republicans who voted with the Democrats on this occasion. He has read into the RECORD those who voted for nonpartisan government. Now I think it would be only fair to read the names of the Republicans who voted on the other side.

Mr. NEELY. Mr. President, the Senator's suggestion is accepted. The whimsical Van Troil entitled one of his famous chapters "On the Snakes in Iceland." That chapter simply says "Snakes in Iceland—there are none."

Let me inform my friend from Oklahoma that the number of the Republican Senators, who voted with the Democrats on the Norris amendment, is exactly equal to the number of the snakes in Iceland. [Laughter.] They all voted nonpartisan; and consequently voted the straight Republican ticket.

Mr. BARKLEY. Mr. President——

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

Mr. NEELY. I do.

Mr. BARKLEY. Does the Senator recall, during the 12 years of Republican control of the Government, any such amendment as this being offered from the other side on the part of anybody?

Mr. NEELY. Never; and since the distinguished Senator from Nebraska recently said that he had written to various Departments during the 12 Republican years that preceded this administration, recommending that their appointments be nonpartisan, I have searched the record and had it searched for the full period that the Senator has served in this body, in a vain effort to find where he, under a Republican administration, ever attempted as vigorously as he is attempting now to have a great governmental department made nonpartisan.

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

Mr. NEELY. I do not say that the Senator has not made such an attempt, but I do say that I have been unable to find proof of the attempt in the RECORD.

Mr. NORRIS. The Senator did not look very closely, for he will find that it is on the statute books now. If the Senator will take the bill which I introduced over and over again, and which is now the law, where there was nothing involved but a business matter—the Muscle Shoals legislation—he will find that it always had in it a provision on this subject, and he will find in the statutes the very words I have offered here as an amendment to this bill.

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

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

Mr. NEELY. I do.

Mr. BARKLEY. I join in the expressions of utmost confidence in the sincerity of the Senator from Nebraska, as I have done over and over again. It is true that in the law which is now on the statute books with reference to the Tennessee Valley Authority the language which is now in dispute in this bill is included; but in the bill which the Senator succeeded in passing through both Houses during the Hoover administration, which Mr. Hoover vetoed, there is no such language at all, because I have it here, and it is not in the bill. On the contrary, the bill merely authorizes the board to be set up for the control of Muscle Shoals to make all appointments. Nothing whatever is said about any partisan considerations.

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

The PRESIDING OFFICER. Does the Senator from West Virginia further yield to the Senator from Nebraska?

Mr. NEELY. I do.

Mr. NORRIS. In one of those bills I introduced—I do not remember which one now, because they followed one another every year for 12 years—I went a great deal farther than I went in using the language I have offered as an amendment to this particular bill, and which is now incorporated in the law. I proposed to set up a machine by which every recommendation made to that authority should be kept in the files, and a notation should be made upon the record of every recommendation that was made orally, and all letters asking for appointments should be given to the public. I put in that bill quite a number of things which I had to put in, I thought, in order to avoid a Presidential veto, but which it was not necessary to put in when Mr. Roosevelt became President.

Mr. BARKLEY. Mr. President, will the Senator yield to me to permit me to read the provisions of the Norris joint resolution which was passed in the Seventy-second Congress, and vetoed by President Hoover, with reference to appointments in the Tennessee Valley under the Muscle Shoals Board, as it was then called?

Mr. NEELY. I yield.

Mr. BARKLEY. It is as follows:

The general manager—

Prior to that language, the bill authorized the appointment of a general manager.

The general manager shall appoint, with the advice and consent of the board, two assistant managers, who shall be responsible to him, and through him, to the board. One of the assistant managers shall be a man possessed of knowledge, training, and experience to render him competent and expert in the production of fixed nitrogen. The other assistant manager shall be a man trained and experienced in the field of production and distribution of hydroelectric power. The general manager may at any time, for cause, remove any assistant manager, and appoint his successor as above provided. He shall immediately thereafter make a report of such action to the board, giving in detail the reason therefor. He shall employ, with the approval of the board, all other agents, clerks, attorneys, employees, and laborers.

That is all there is about it.

Mr. NEELY. Mr. President, regardless of what has been in the legislation in the past——

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

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

Mr. NEELY. Yes; I yield to the distinguished Senator from Minnesota.

Mr. SCHALL. The Senator in his remarks stated, and truly, that this administration had been elected by an overwhelming vote at the last election. I have just received news from the plurality vote yesterday in the city of St. Paul which indicates that at least St. Paul is returning to sanity. There were 93,000 votes cast, and the Republican candidate for mayor won by 249.

Mr. NEELY. Mr. President, then there is still one benighted community in the United States in which the people desire to return to Hooverism. [Laughter.] Happily no such desire has been manifested in West Virginia. A recent preliminary poll by the Literary Digest shows that approximately 75 percent of the people of the United States are thoroughly satisfied with the Roosevelt administration. There is no doubt in my mind that they intend to retain Mr. Roosevelt in the White House for another term. And no one is more enthusiastically for him than I am. I appeal to the Democratic Senators who want Mr. Roosevelt reelected to help deliver him from his friends who are trying to compel him to appoint still more Republican partisans, who are opposed to this administration, to administer the affairs of one of the most important instrumentalities of the Government.

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

Mr. NEELY. I yield.

Mr. FESS. The vote will be on the conference report, and the Senator is going to make it very difficult for a Senator like me to vote the way I had intended to vote.

Mr. NEELY. The Senator from Ohio, I assume, will as usual vote a straight Republican ticket.

Mr. President, the party system of government operated successfully under Thomas Jefferson. It operated successfully under Grover Cleveland, Woodrow Wilson, and old Andrew Jackson, who would have caned from the White House anyone who would have attempted to control his appointments to office by the Norris amendment.

The party system operated successfully under Mr. McKinley, a Republican President. It operated to the entire satisfaction of our Republican friends under a former Roosevelt.

And during the last 12 years of Republican administration, regardless of the wishes or principles of the Senator from Nebraska, it was as impossible for a Democrat to obtain a place on the Government's pay roll in any department in Washington as it is for a leopard to change its spots, for a camel to go through the eye of a needle, or for a rich man to enter the kingdom of heaven.

Democratic Senators, let us now adopt this conference report and thereby protect our party and those who deserve to administer the important affairs of the Government during the remainder of the Roosevelt administration from irreparable disaster.

Mr. NORRIS. Mr. President, I regret much more than I can say that in the debate on the conference report and upon the amendment when it was originally offered my friend the Senator from West Virginia should take the bitter attitude he has taken. He speaks of the wonderful majority which went, as he said, to the Democratic Party. He speaks of those who are in favor of this amendment as being moved by partisanship, and calls the names of men who are known to be partisans, and who, he says, are influenced in their voting by partisan considerations.

Let me tell the Senator that, if that is all true, it will not save his bacon. Nor will it save any other Democrat. You cannot get anywhere with the people of the United States by yelling yourselves hoarse at the bad things one party has done, and ride into office on the strength of your plea and your promise that you are going to do better, and then say, "We will do just the same as the men did whom we were condemning", and say to the people, "We are no worse than the other fellows." That will not do.

There were millions of people who supported President Roosevelt who were Republicans, and are now Republicans, because they were disgusted with just that kind of maneuver on the part of the Republican Party; and now you are going to say that the Democratic Party will do the same thing, and you make a partisan appeal to Democrats to stand by the party.

Who is the party? The Senator from West Virginia did not say anything about Roosevelt, in the White House. I conceded to begin with, and I concede yet, that if I sat on the other side, and believed this amendment to be wrong, I would vote against it, no matter where the President stood. But when you appeal for political support and try to drive Democrats into the harness on the theory that they are supporting Democratic principles, let me ask you, where is your leader? Who is supporting Roosevelt now? Who is the leader of the Democratic Party who has cried out in vain for Democratic support for this very amendment?

Will you get anywhere with that kind of an argument? Do you have any regard for the millions of men who voted for Roosevelt, who want to see him succeed, who admit always that every man, here and everywhere else, should have his own opinion and do as he pleases?

Criticize if you will, but constructively. Are you going to respect them? Are they all silly, as the Senator from West Virginia says these people are? Were they moved by a spirit of partisanship? Were they not moved by the same spirit which he now condemns as nonpartisan?

If the question were the selection of a Secretary of the Treasury or a Secretary of State, I would not be saying what I am saying. I admit that in such a case, whether the man is a Democrat or not, the man chosen should be someone who believes in the policy of government he is to carry out. But here is something that has no politics in it unless you put it in. It should have none in it.

As the mayor of Detroit said, we need more business and less politics in government. Here is a proposition which is 100 percent business, and it is bound to be put in a partisan light.

Senators may laugh now, and I know that it is nice to have someone get up and make a spread-eagle speech about the great party, and its wonderful influence, but the people of the United States do not care a damn about it. They are not interested in it. They do not care. They want honest and efficient government. They do not care whether it is Republican or Democratic or something else. Senators are not getting much of a following among the people of the country. They may think they are. The speech made by the Senator from West Virginia will bring plaudits to him. Some people will pat him on the back and tell how he lined up the Democrats to vote against Roosevelt. That is what it is. He will line them up to vote down one of Roosevelt's cherished propositions because, forsooth, somebody he did not like voted for it.

That is no argument. That is not the argument of an eighth-grade school child. Everybody knows better than that. It is a flamboyant plea intended to line men up on a false issue. It will not work with the common people.

It makes me think some of the man who went to a hotel in one of our cities and said to the proprietor, "I have some frogs to sell. I understand you need a lot." The hotel man said, "Yes, I do." He said, "I want a contract with you to sell you 1,000 frogs." He made a deal with the hotel man. He was to bring the frogs in the next day. The next day he came in with two little half-starved frogs and the hotel man said, "Why I contracted with you for 1,000 frogs." The man said, "Yes, I know, but I drained my pond. These are all there were in it. I thought from the noise they made that there were at least a thousand of them there."

The Senator from West Virginia, when folks say "Amen" to his speech, which I think was unjustifiable and unbecoming in him, will find, when the pond is drained, that there are only two frogs in it.

I said that I am in earnest about this matter. If I am wrong, then all my principles of government are wrong. If I am wrong, then I have sinned against my people when I supported Roosevelt for President. If I am wrong, I will be condemned for that attitude; and when I see the attitude

of Democrats who went into office on his coat tails, I almost feel that I am already condemned.

I do not believe we ought to take the taxpayers' money and use it to pay bosses and to organize political machines for the sake of getting offices. The party will not get them. The people will see to it that it will not get them. The people will know better than that. Senators cannot even have the approval of their leaders on such action. When the Senator from West Virginia mentioned leaders over on this side of the aisle, he should at least have been fair and said, "I am against my leader, too. I am not following Roosevelt. I am going into my State against him on this proposition. He is wrong." Maybe he is wrong and the Senator is right; but, if that is true, then honest, progressive government has sunk beneath the waves; it is gone. If we are going to organize this Government on the old theory that to the victors belong the spoils, we might just as well throw up the sponge.

Why do we have a Civil Service Commission? Why do we provide by law for the examination of men and women who are applying for office outside of the particular offices to which it is conceded the President ought to appoint? Why? Everyone knows that if we did not have a safeguard of that kind this country could not live. It could not sustain itself. Senators who privately are complaining every day of the thousands of men who are applying for jobs, who are applying for offices that cannot be filled, ought to be statesmen instead of job hunters, ought to help the President of the United States to place a business, like the one involved here, above and beyond the grab-bag of partisan politics. Senators ought to rise to the emergency. They are able, and wise enough to do it. They might just as well be statesmen making laws for the country as be grabbing at a political pie counter for political jobs.

Do not Senators want the Government to be efficient? Do they not want men appointed on the basis of efficiency? Do they not want their party above complaint? Do they not want it to be so that in a year from now or 2 years from now, when Roosevelt comes to run again, and perhaps they come to run again, they can point to the statute and say, "I helped to put that law there. I helped make this great machine efficient. I helped to put it on an honest basis. I helped to take it out of partisan politics."

Senators might better be doing that than spending their time here ridiculing and belittling the men who, like me, may be fools, and who have been fools all our lives, but at least I thought I was doing the right thing. By this action, presumably about to be taken, Democratic Senators will make it impossible for some men to support their standard bearer in the next fight that comes.

Mark my words, these chickens are going to come home to roost.

The VICE PRESIDENT. The question is on agreeing to the conference report, on which the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METCALF (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. TYDINGS]. I transfer that pair to the senior Senator from Vermont [Mr. AUSTIN], who has been called away on official business, and who, if present, would vote "nay." I vote "nay."

The roll call was concluded.

Mr. BLACK. I have a general pair with the Senator from Florida [Mr. TRAMMELL]. If the Senator from Florida were present he would vote "yea", and, if permitted to vote, I should vote "nay".

Mr. FESS. I have a general pair with the senior Senator from Virginia [Mr. GLASS], who is unavoidably detained from the Senate. Therefore, I refrain from voting.

Mr. WAGNER (after having voted in the affirmative). I am paired on this vote with the senior Senator from Missouri [Mr. PATTERSON]. Has that Senator voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. WAGNER. I transfer my pair with that Senator to the junior Senator from Wyoming [Mr. O'MAHONEY], and allow my vote to stand.

Mr. BULKLEY (after having voted in the affirmative). I inquire if the senior Senator from Wyoming [Mr. CAREY] has voted?

The VICE PRESIDENT. He has not.

Mr. BULKLEY. I have a general pair with that Senator, which I transfer to the junior Senator from Indiana [Mr. VAN NUYS], and allow my vote to stand.

Mr. FESS. I wish to announce the following pairs:

The Senator from Rhode Island [Mr. HEBERT] with the Senator from Illinois [Mr. LEWIS];

The Senator from Delaware [Mr. HASTINGS] with the Senator from North Carolina [Mr. BAILEY];

The Senator from Connecticut [Mr. WALCOTT] with the Senator from California [Mr. MCADOO];

The Senator from Maine [Mr. HALE] with the Senator from Nevada [Mr. PITTMAN]; and

The Senator from New Mexico [Mr. CUTTING] with the Senator from Montana [Mr. ERICKSON].

The Senator from Rhode Island [Mr. HEBERT], the Senator from Delaware [Mr. HASTINGS], the Senator from Maine [Mr. HALE], the Senator from Connecticut [Mr. WALCOTT], the Senator from Iowa [Mr. DICKINSON], and the Senator from New Mexico [Mr. CUTTING] are necessarily absent.

Mr. BARKLEY (after having voted in the affirmative). I have a pair with the Senator from Iowa [Mr. DICKINSON], which I transfer to the Senator from Connecticut [Mr. LONERGAN], and allow my vote to stand.

Mr. ROBINSON of Arkansas. I desire to announce that the following Senators are necessarily detained from the Senate on official business:

The Senator from North Carolina [Mr. BAILEY], the Senator from Florida [Mr. TRAMMELL], the Senator from Maryland [Mr. TYDINGS], the Senator from Illinois [Mr. LEWIS], the Senator from Virginia [Mr. GLASS], the Senator from Indiana [Mr. VAN NUYS], the Senator from Colorado [Mr. COSTIGAN], the junior Senator from Montana [Mr. ERICKSON], the senior Senator from Montana [Mr. WHEELER], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Connecticut [Mr. LONERGAN], the Senator from Nevada [Mr. PITTMAN], and the Senator from Oklahoma [Mr. GORE].

I regret to announce that the Senator from California [Mr. MCADOO] is detained from the Senate by illness.

The result was announced—yeas 40, nays 30, as follows:

YEAS—40

Adams	Byrnes	George	Overton
Ashurst	Caraway	Harrison	Reynolds
Bachman	Clark	Hatch	Robinson, Ark.
Bankhead	Connally	Hayden	Russell
Barkley	Coolidge	King	Sheppard
Bone	Copeland	Long	Smith
Brown	Dieterich	McGill	Stephens
Bulkley	Dill	McKellar	Thomas, Okla.
Bulow	Duffy	Murphy	Wagner
Byrd	Fletcher	Neely	Walsh

NAYS—30

Barbour	Hatfield	Metcalf	Steiwer
Borah	Johnson	Norris	Thomas, Utah
Capper	Kean	Nye	Thompson
Couzens	Keyes	Pope	Townsend
Davis	La Follette	Reed	Vandenberg
Frazier	Logan	Robinson, Ind.	White
Gibson	McCarran	Schall	
Goldsborough	McNary	Shipstead	

NOT VOTING—26

Austin	Erickson	Lewis	Trammell
Bailey	Fess	Lonergan	Tydings
Black	Glass	McAdoo	Van Nuys
Carey	Gore	Norbeck	Walcott
Costigan	Hale	O'Mahoney	Wheeler
Cutting	Hastings	Patterson	
Dickinson	Hebert	Pittman	

So the report was agreed to.

LOUISVILLE & NASHVILLE RAILROAD AND THE POWER TRUST

Mr. BARKLEY. Mr. President, I desire the attention of the Senator from Nebraska [Mr. NORRIS]. For several days I have sought an opportunity to have read from the clerk's desk a letter received by me from the president of the Louisville & Nashville Railroad commenting on some remarks

made by the Senator from Nebraska a few days ago with reference to an alleged connection between that railroad company and some gas company. I ask that the letter may now be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the clerk will read, as requested.

The Chief Clerk read the letter, as follows:

LOUISVILLE & NASHVILLE RAILROAD CO.,
Louisville, Ky., April 9, 1934.

Hon. ALBEN W. BARKLEY,
United States Senate Office Building,
Washington, D.C.

DEAR SENATOR BARKLEY: My attention has been directed to certain remarks made by Senator NORRIS (appearing at p. 5853 of the CONGRESSIONAL RECORD, Monday, Apr. 2, 1934) in a speech attacking the so-called "Power Trust", wherein he made certain derogatory references to the Louisville & Nashville Railroad Co.

In discussing the efforts of the Associated Gas & Electric Co. of New York to purchase the city-owned electric-light plants of two small Tennessee towns, Paris and McKenzie, he read from a letter of that company's Paris representative, a Mr. Fitch, to a Mr. Magee, his superior officer in New York, wherein Mr. Fitch told Mr. Magee that in the course of his negotiations at Paris he had been assisted by certain information he had received from the superintendent of the Louisville & Nashville Railroad Co. located at Memphis. He described the latter as "a former citizen of Paris", stated that he had secured for him a contract for the Louisville & Nashville Railroad Co. shops at that place, and was very friendly.

Based solely upon this chance circumstance of a subordinate official of the railroad company making certain statements to a man who evidently was his friend, about a matter in no way connected with his official duties, he assumed there was a reprehensible conspiracy between the two companies, and proceeded to denounce it in the following language:

"That shows the connection between great corporations. The superintendent of the Louisville & Nashville Railroad Co. gave this information, which was passed on to the vice president of the Associated Gas & Electric Co., of New York City.

"It does seem to me, Mr. President, that this ought to bring the blush of shame to an American's face. Here was a great railroad company, which ought to be outside this contest, ought to have nothing to do with it, ought to have no interest in it. We find from the evidence, however, that there was some coordination between the power trust and the railroad company."

Further along, referring to the same matter, he said:

"What kind of a Government is it in which railroads and Power Trust officials can combine in this way to help each other out of difficulties, to the detriment of the common people of the United States? What does it mean when these high officials undertake to charge the toilers of America an exorbitant price for gas and electricity because it is necessary to use the money in making the various combinations and buying out and driving Government and State officials into doing their bidding? Is it not a sad commentary that there should be a general tendency on the part of these great institutions to help each other out of dishonorable, disreputable, and dishonest difficulties?"

Senator NORRIS' attempt in the above-quoted statements to make it appear that there was or is a community of interest between the Louisville & Nashville Railroad Co. and the Associated Gas & Electric Co., that there was some coordination between the Power Trust and the railroad company, and that the latter was trying to help the utility company out of dishonorable, disreputable, and dishonest difficulties, merely because the railroad superintendent had given certain information to a like subordinate official of the utility company who evidently was his friend, is so unwarranted and the conclusion he announced is so unreasonable that it would hardly seem necessary to enter a denial. However, in order that there may be no doubt as to what are the facts, so far as the Louisville & Nashville Railroad Co. is concerned, I desire to state that the conclusion which he reached and announced is utterly without foundation in fact. I am now and was then the chief executive officer of the Louisville & Nashville Railroad Co., and not only was this superintendent not authorized to represent the railroad company in the matters herein under discussion, but neither I nor any other officer of the railroad company, so far as I can learn, ever knew or even heard of the transactions referred to in his statement, and whatever the superintendent in question may have said to his friend was not the action of nor in anywise related to the Louisville & Nashville Railroad Co. Neither I nor any other executive officer of this company has ever been aproached, directly or indirectly, by the Associated Gas & Electric Co. of New York, or any other corporation which Senator NORRIS is pleased to group under the term of "Power Trust", to aid it or any of them in any of their business undertakings or alleged political activities.

I am unable to see how he could feel justified, in the light of the facts he himself states, in reflecting as he has upon the Louisvill & Nashville Railroad Co. and dragging its name into a discussion of these matters, in the absence of any evidence that it had any part in them or that the executive officers of the company had any knowledge concerning them. In view of the fact, however, that he has seen fit to do this I feel that I am justified in requesting that you read this letter to the Senate in order that this statement of mine, in which I have sought to correct Senator NORRIS' conclusions, may reach the same hearers.

Thanking you in advance for this courtesy, I am

Yours very truly,

W. R. COLE, *President.*

Mr. NORRIS. Mr. President, I desire to add a postscript to that letter.

The letter complains of the remarks I made in the Senate at a time when I was reading into the RECORD quite a number of contributions and letters and memoranda which were developed in the investigation by the Federal Trade Commission. I have not examined the quotation, but I assume that the gentleman who wrote the letter quoted me correctly.

The writer of this letter is the president of the Louisville & Nashville Railroad Co. After I had read some of the disclosures about what happened at Paris, Tenn., when they were having a municipal election about electric-light plants, I bemoaned the fact that a railroad company like the Louisville & Nashville should be mixed up in such a local fight, and said there was a tendency for people of that kind to get together when it came to their defense.

Now let me read the letter which is the basis of this complaint. It will be remembered that at Paris, Tenn., the people owned their electric-light distributing, and perhaps generating, plant. I do not remember now as to that. Anyway, they sold it to the Associated Gas & Electric Co., or to a subsidiary of that company and at the meeting of the council to vote on the matter there was a great contest. The district judge afterward, in his decision setting aside this action, told of the corruption that occurred. The city attorney had been bribed. There was no direct evidence of bribery of members of the council, but the city attorney had been bribed. I think this disclosure came after the election.

That was the cause of my remarks. In the first place, I expressed regret that the L. & N. officials were guilty of mixing in such a fight. In the next place, the evidence taken in court showed that their master mechanic was paid $800 in that election. I am going to read now, as I read then, a letter from one of the power officials to the parent association in New York:

Mr. S. J. MAGEE,
New York—

He was the vice president or manager, or some other official, of the Associated Gas & Electric Co., the parent company, in New York City—

There is beginning to crystallize at Paris a movement to compromise our difficulties with the city. Under the lease contract, the ultimate price which the city would have received at the time of the deeding of the property to us and the payment of the $45,000 [was] the sum of $704,500.

In the political mix-up, Jim Porter, the present owner of the opposition ice plant, is a dominant factor in the new council. We have set up a very severe ice competition with his property, and he is beginning to squeal.

When the subsidiary of the Power Trust could not get this man's vote in any other way, they bought out the man who was his competitor, and who, I suppose, was doing a perfectly legitimate ice business, and they went into the ice business. That is, the great Electric Light Trust in New York, through its subsidiary in Paris, Tenn., went into the ice business in that town and put down the price of ice so low that they could make Jim Porter squeal, as this letter says. They drove him out of business.

Continuing the letter:

In the political mix-up, Jim Porter, the present owner of the opposition ice plant, is a dominant factor in the new council. We have set up a very severe ice competition with his property and he is beginning to squeal. He is now anxious that the council effect a compromise of the matter and suggests that the city ought to receive about $600,000 for the property. This information comes—

Now listen—

This information comes from the superintendent of the Louisville & Nashville Railroad Co.—

The same railroad company whose president now writes the letter which the Senator from Kentucky has had read at the desk.

I will read that clause again.

This information—

What information? The information that "Jim Porter * * * is beginning to squeal", and he is ready to compromise. He thinks now that the city ought to get $600,000 instead of something over $400,000. Then the writer of the letter says:

This information comes from the superintendent of the Louisville & Nashville Railroad Co., Memphis, a former citizen of Paris, and who was helpful to us—

That is, to the Power Trust—

in securing the original contract. He also secured for us the power contract with the shops at Paris, and is otherwise very friendly.

That refers to the superintendent of the Louisville & Nashville Railroad Co., the president of which is now complaining that I commented in the Senate that I was ashamed of a railroad company that would permit its officials to mix in that kind of a deal and try to help the Power Trust secure a contract which the courts set aside, and said was so unjust as to be unconscionable.

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

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

Mr. BARKLEY. Of course, I did not have the letter read for the purpose of getting into any controversy with reference to the contents of the letter which the Senator from Nebraska read on the former occasion. Neither am I in a position to deny, and I do not undertake to deny, the statements in the letter which the Senator has read.

I do desire to say, however, that I know Mr. Cole. He was formerly a resident of Nashville, and he was president of the Nashville, Chattanooga & St. Louis Railway when he was promoted to the presidency of the Louisville & Nashville Railroad Co. I know him, as the people of Kentucky know him, as an honorable man, a man of integrity, and, I think, a man who is entitled to credit when he makes a statement.

The point is, admitting that the superintendent at Memphis who formerly lived at Paris did all these things, Mr. Cole insists that he did them without his knowledge or consent and without the consent of the company.

Mr. NORRIS. I never said that these things were done by the superintendent with Mr. Cole's knowledge or consent.

Mr. BARKLEY. I know that; but the Senator's condemnation was against the officials of the road.

Mr. NORRIS. It was against the railroad corporation itself.

Mr. BARKLEY. Of course, the superintendent of a railroad division in Memphis or anywhere else, in his individual capacity as a citizen, may do a lot of things that are wrong; but I say that the railroad company as a whole ought not to be condemned unless the things complained of are done with the company's knowledge and authority and by their direction.

Mr. NORRIS. How is their consent to be obtained?

Mr. BARKLEY. I take it that Mr. Cole's letter stated that he knew nothing about the matter criticized by the Senator.

Mr. NORRIS. Yes; he said he did not know anything about it.

Mr. BARKLEY. I think that is true.

Mr. NORRIS. I assume that that is true. I take it to be true.

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

Mr. NORRIS. Yes.

Mr. McKELLAR. I merely wish to say that I have known Mr. Cole for many, many years, and he is a very highly honorable man, and I do not believe he would make any statement unless it was correct.

Mr. NORRIS. I thank the Senator. I should like to invite the rest of the Senators to make their contributions to this discussion. Is there anybody else here who wishes to testify to the character of Mr. Cole?

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

Mr. NORRIS. I yield.

Mr. LONG. I would call attention to Mr. Cole's predecessor as the head of the L. & N. Railroad. The Senator will remember the part he took in the Goebel murder, and how Governor Taylor remained over in Indiana, and could not be extradited. The matter is pretty well written into the history of the L. & N.

Mr. BARKLEY. That is an incident which occurred 30 years ago.

Mr. LONG. Yes; he has had a chance to get religion since then.

Mr. BARKLEY. The president of the L. & N. Railroad took quite a prominent part in politics in Kentucky, and by reason of the prominent part he took the L. & N. Railroad became an issue in a campaign for the Governorship, and the intimation of the Senator from Louisiana is, of course, true, as those of us know who remember the unfortunate Goebel incident in Kentucky. That is one thing. But Mr. Cole's activity, or his alleged connivance, or direction, as president of the L. & N., in an election in Paris, Tenn., is an entirely different thing, and I cannot to save my life understand the connection between the L. & N. politics in 1899 and Mr. Cole's letter of the 9th day of April which has been brought forward by the Senator's speech.

Mr. LONG. Mr. President, I do not know Mr. Cole and I do not make any imputation against him at all, but since the Senator from Nebraska is basing his statement on the L. & N. Railroad participation in the instant matter, I just wanted the Senator to know that that is not different from what happened 30 years ago, and I imagine this superintendent might have acted at the instigation of someone else.

Mr. BARKLEY. I do not know about that, but I can say, as an active participant in politics in Kentucky in recent years, that I have no knowledge that that railroad has engaged in politics in the last quarter of a century in any way. I doubt whether it has since that unfortunate tragedy in 1899.

Mr. NORRIS. That ought to have been lesson enough to keep them out.

Mr. BARKLEY. I think so.

Mr. NORRIS. I have no doubt that, if we should go to wherever this man lives, we would find he is a member of the church, and I am surprised that somebody here has not brought that out.

No one charged that he told a lie. No one contended that he had any personal knowledge of this matter. No one said that he took any part in the election at Paris; but it was said that the officials of the L. & N. Railroad were in mighty small business when they engaged in that kind of a controversy, especially to help out the Power Trust in Wall Street, New York.

I commented on the peculiar fact that when one of these great corporations is attacked, one of the others always comes to its relief. They always help each other out. But I am not through with the evidence yet. The Senator from Kentucky interrupted me; he was so anxious to defend this man. I had not finished reading the letter, and I have testimony to read besides that which has a direct bearing on officials.

I do not remember now where I was in the letter, but I think I read that the letter said that "he was instrumental in getting us the power contract with the shops at Paris."

He must have been quite an influential official. He was influential enough to get the electric power for this corporation. He was very friendly in other ways; the writer says he "was helpful to us in securing the original contracts."

It is peculiar, too, that when the information about this man they were holding up by going into the ice business trying to control his vote on the council came as to how he felt, how he was beginning to be hurt by this unfair competition, that information came to the Power Trust from the official of the L. & N. Railroad, according to this letter which I have already read. So when he says in his letter that he knew nothing about it, he is denying something which nobody asserted. He does not have to know anything about it.

Does he say in that letter that he discharged this official for doing that? Does he say that he put out of business the other man, about whom I shall read in just a moment? No. For all his letter says, they still hold their jobs, and when the president of the railroad finds that his general superintendent is engaged with the Power Trust in putting that little plant out of business, that he is engaged with them in a crime by which they went into the ice business even, to get the vote of a man on a council, when he tells him, too, that he has been friendly in other ways, gave him his power contract, does he say he found fault with that man? Has he ever written him a letter and said he must stop that kind of dirty business? No. He does not even claim any such thing. If he is as pure and holy as he thinks he is, and as pure and holy as this railroad company is, he would have written a letter to this man and would have said, "You are discharged. You cannot take this corporation into that kind of a disgraceful business. You cannot help the Power Trust put an ice plant here to compete with a man in order to bribe him for his vote." He does not do anything of the kind.

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

Mr. NORRIS. I yield.

Mr. BARKLEY. In fairness, I will say that all the matters about which the Senator has been talking are matters about which I know nothing, but I take it from the letter of Mr. Cole that he never knew anything about this superintendent's activity until he saw the Senator's speech. What he has done since then I do not know, but he did write me this letter as soon as he read the Senator's speech in the RECORD.

Mr. NORRIS. I take it that if he is trying to keep his organization above reproach, before this time that man has been discharged, and another fellow has been discharged about whom I am going to read something in a moment.

Mr. BARKLEY. I have no knowledge on that subject.

Mr. LONG. Mr. President, I should like to bet that he has not been fired. I should just like to have it understood that I make the statement, although I may be proven incorrect, that he has not been fired.

Mr. NORRIS. Of course he has not been fired.

Probably he has been complimented for his very efficient work, without referring to this particular thing.

I have not yet finished reading the letter, on account of these interruptions. Let me read a little further from this same letter, written to the Power Trust in New York, the gas company, from their agent out at Paris, Tenn. He said:

> The real seat of the trouble at Paris lies in the lease contract, which was so complicated the ordinary citizen could not understand it; and there was a growing belief that in some way not explicable the city would finally get a sum considerably less than $400,000 for its property.
>
> I feel we will finally make some settlement with the city that will even be better than the present contract.

I ought to say that when this case was brought before the Federal judge, he said in his decision that this contract was purposely made, evidently, so that nobody could understand it. It purported to give $400,000. It did not do anything of the kind, as one would see if he went into the contract. The judge set it aside for fraud and bribery, and one of the officials of this railroad company was helping in carrying out that fight. He must have been in the confidence of the Power Trust, or he would not have conveyed the information that this member of the council was beginning to squeal on account of that ice competition.

I could read a great deal more than I have read, but it is very late. I am sorry the matter did not come up earlier in the day, because there are some other things I wanted to say that I will not have time now to say.

The trial was had before a Federal judge. I will now read some of the testimony. The question was asked:

> How much did he say Mr. Fryer got?

Fryer was the attorney who was bribed, as the judge found.

> He said his information from Mr. Rankin was $2,000. He told me he put that much in Rankin's hand. I think Rankin was the one.
>
> Q. How much did he say Mr. Hogan received?

This was the municipal election they were talking about. One of these power officials contributed some money to a church down there on condition that the sale went through, and I suppose paid the contribution because the sale did go through by bribery. This testimony says:

> How much did he say Mr. Hogan received?
>
> A. He told me he put between $700 and $800 in the hands of another party, who paid it to Mr. Hogan.

Just remember that name now.

> Q. Mr. Hogan, I believe, is the foreman in the L. & W. shops at Paris?—A. Master mechanic.

I will not read any further from that man's testimony.

He is another official of the L. & N. Railway at Paris, and in his testimony, quoted by the judge himself in his decision, we find this evidence: First, the letter, which I read, to the general superintendent who knows about the $800 that went into the hands of Hogan, the master mechanic. Is not that pretty near enough to carry an election in a little city like Paris? That was not all. Those contributions are traced directly to the officials of the L. & N. Railway.

The Senator from Kentucky says that probably this president never knew about that before. This evidence was taken several years ago. It has been public property for years. This election in Paris was an old event. The State legislature was persuaded to enact, without knowing its true effect, I suppose, a statute that made valid this sale that the court had held was corrupt and obtained by bribery.

Now, how can the L. & N. Co. get out of that situation with clean hands? There is only one way. The president ought to have said, I will say to the Senator from Kentucky, "When I first learned of this affair I discharged this official. I also discharged the master mechanic for taking $800 in that contest. I do not want such men working for my railroad company."

But instead of that he said, "I do not know anything about it. The railroad company did not know anything about it. We are as pure as the angels."

That is the way with a good many of these institutions. One member of the corporation does the dirty work and another one does not know anything about it, but goes to church instead and is himself elected superintendent of the Sunday school.

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

Mr. NORRIS. I yield.

Mr. LONG. I hope the Senator understands why it is that all these various activities have to be played by these corporations.

Mr. NORRIS. They play them anyway.

Mr. LONG. They cannot omit one step. They have to have their representative in the Sunday school and in the churches and in the red-light district and in the gambling institutions. They must be represented in every place.

HON. HENRY F. ASHURST—ARTICLE BY CHARLES BROOKS SMITH

Mr. NEELY. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial by Charles Brooks Smith appearing in the Wheeling (W.Va.) Intelligencer of April 1934, on the subject of Senator HENRY F. ASHURST, of Arizona.

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

> [From the Wheeling (W.Va.) Intelligencer, April 1934]
>
> The press gallery viewpoint is that veteran Senator HENRY F. ASHURST (D.), of Arizona, is colorful copy. There are two kinds of colorful copy. ASHURST's kind is good taste.
>
> Poor Sadie Thompson's affectionate salutation to her sailor rescuer and lover (and didn't it rain!) fits ASHURST—"tall and handsome." He's consummate courtesy in debate; a graceful gesticulator. He is master of a gentle sarcasm, which never scratches skin, and the exponent of a decent humor which sparkles like a flawless white diamond.
>
> Which goes to prove that you can make a gentleman and a statesman out of an old-time cowboy; rather, he can make himself that if he wants to give up cows for college, has the will and the stuff in him to rise above the thundering herd.
>
> The refreshing thing in him is that he does and says things differently. He can be—and inherently is—original; he's no stereotype, no copycat—which is enough in itself to set him apart as "not like them." And he can be like this—be himself—within the scope of propriety.

This strikes us as rare and unusual. We don't know why—we can't make ourself clear about it—but somehow it does.

An incident of the Senate proceedings yesterday, typical of the subject of our sketch, gives a key to an understanding of him. It illuminates our struggling picturization of the Arizonian like a kleig light. We quote him:

"Mr. President, I fondly believed, for some years, that I was sterilized and vaccinated against the vicious habit of reading letters into the RECORD, but it now appears that the habit has recurred.

"My most constant and most savage critic is a leading Democratic daily newspaper in Arizona, to wit, the Arizona Daily Star. I have received a letter from the editor of that journal; and his arguments in opposing my views on certain public questions are so well stated that I telegraphed to him securing his permission to have the letter read into the RECORD.

"I now read my telegram to the editor:

APRIL 15, 1934.

Mr. W. R. MATHEWS,
Editor and Publisher the Arizona Daily Star,
Tucson, Ariz.:

Your letter of April 10 received. You are one of Arizona's leading journalists, and your letter ably argues for your views on seven subjects of legislation now before Congress. Inasmuch as I am at variance with you and do not agree with your conclusions therein expressed, except that I do concur with your opinion that the President should be granted the power to negotiate the reciprocal treaties, I hereby request permission to print your letter in the CONGRESSIONAL RECORD. Please do not be thin-skinned but imitate me as I am pachydermatous. If you grant me such permission, I shall, of course, print your letter without any deletion. Please write me. Kind regards.

ASHURST.

Request granted, the editor's letter was sent up to the desk, read to the Senate by the Chief Clerk. And a strong constructive criticism of Senator ASHURST's position on seven legislative propositions it was. The Senator delivered no speech in reply.

And wasn't that a decent, fair, just, and honorable thing to do? If it was ever done before during our two decades' observation here, we missed it.

Nothing more need be said to explain ASHURST to you. He explains himself fully and clearly, by doing unexpected, unconventional but admirable deeds like this one.

ADDRESS BY SENATOR KEAN TO YOUNG REPUBLICANS OF NEW JERSEY

Mr. BARBOUR. Mr. President, I ask unanimous consent that the speech of my distinguished senior colleague from New Jersey [Mr. KEAN], delivered at the annual convention of the Young Republicans of New Jersey at Asbury Park, on Friday, April 20, 1934, be spread in full in the RECORD.

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

SENATOR KEAN. I am very happy to be here tonight to speak to the Young Republicans of New Jersey.

I shall be brief, not merely out of consideration to others on the program, but more especially because the day of long-winded oratory is past, and no one is more capable of discounting flowery generalities or puncturing the empty rhetoric of a spellbinder than the young man and young woman of today.

Youth is a marvelous thing. We need your fresh enthusiasm, your frankness, your sincerity, and your courage to help us restore the Republican Party to its rightful place in the State and in the Nation. Your convention, assembled here today, may well prove to be the starting point for a new era in the Republican Party in New Jersey.

Speaking frankly, we need a new spirit in our party and I, for one, believe you are ready to supply it.

The Republican Party believes in that sturdy old document, the Constitution. If that seems a simple, dogmatic statement of faith, let me point out that the Constitution guaranteed to the individual citizen certain fundamental rights, and the most precious of these was freedom.

The Republican Party still believes in freedom.

Under the Constitution the individual was free to exercise his own initiative in the pursuit of a livelihood and the building of a competence. The Constitution did not endow him with character and courage—no document could do that—but if he possessed those qualities, he was free to utilize them in working out a happy destiny for himself and his family.

The Constitution has had to stand some pretty stiff battering during its time. No professor in Washington worthy of his salt could ever admit that he could not have written it better. No reformer who ever saw a break in the asphalt but had to tell us that the whole system was wrong. But somehow the Constitution, which embodies the wisdom of the centuries that went before us, has a fashion of resisting the professors and the reformers, and it remains with us when their names are forgotten.

This simple and dignified philosophy of living has been jeopardized since the war by revolutionary theories of government in Russia, and since March 4, 1933, by the Democratic administration in Washington.

Individual freedom has long since been discarded in Russia. No one can own real property; no one can own a home; no one can rise by his own efforts, by the exercise of skill and resourcefulness, above a common level. The spark, the ferment, of individual initiative is lost in dull homage to an idol called the "state."

In our own country during the last year, we have been drifting dangerously in the same direction. The administration apparently seeks to scrap the constitutional government of our fathers and substitute a government of paternalism.

It is not necessary to review here the various devices and decrees employed to put this revolutionary theory into effect. You all are familiar with the administration's extraordinary measures to control business, to subsidize the farmer, to employ the unemployed, and to pour out Government money in various utopian schemes.

Some of these schemes appear to have worked pretty well—on the surface. They have succeeded in putting money into circulation, and they have quieted certain minority groups which threatened disturbing action during the dark days of the depression.

But if you look beneath the surface and measure the results achieved by these schemes against the principles sacrificed in their attainment, you young Republicans must be appalled by the sacrifice, and the price you and your children will have to pay.

We have sold our national birthright of character, courage, and freedom for a mess of new-deal pottage.

If you will look back over this Nation's industrial growth during the last century, you must admit that we have made some progress. Under a system which is now being condemned—and scrapped—by the bureaucrats in Washington, we opened up the wilderness of the West by a great network of railroads. We developed power, machinery, motors; we discovered the miracles of electricity; the telephone, the incandescent light, radio.

Spurred on by individual initiative, and abetted by the so-called "capitalistic system", our citizens developed great corporations, giving employment to thousands of workers and paying dividends to thousands of stockholders.

A thousand problems in industry and science were conquered by the genius, the resourcefulness, the rugged individualism, if you will, of free-born American citizens. For them it was splendid adventure, no less worthy because there was a profit motive behind it.

I challenge any of the "brain trust" at Washington to read our history and say whether we would have accomplished so much without freedom and individual initiative.

I challenge the "brain trust" to tell us how our great systems of transportation and communication could have been developed under the heavy hand of Government supervision and Government ownership.

I challenge the "brain trust" to deny that we have grown and prospered in the past because we were free.

And finally I challenge the "brain trust" to produce out of their bureaucratic witch-pots at Washington any system or theory which will guarantee the same progress, the same growth and prosperity in the hundred years to come as we have enjoyed in the last century.

Meanwhile, however, the question arises, What sort of government are we going to leave to those future generations to whom we are leaving this mountain of debt? Will it be the representative form intended by the Constitution, based on principles of liberty developed by our ancestors through the centuries, or will it be a planned economy, a regimented nation, based on principles developed by a few professors who have given it earnest thought over a period of several weeks?

I am willing to give the benefit of every doubt to those who have been trying by governmental processes to help us out of the slump. I grant them credit for improving morale, for discouraging sweatshops, for frowning on child labor. I give them credit for energy in abundance, for motives of the purest. But the fact remains that, since the bottom of the slump in 1932, Great Britain has found her growth in industry to be 84 percent, while our own is only 30 percent. The figures are those of the New York Times Annalist of March 16, 1934.

With all the incantations of our professors, with all the "cracking down" and the codes and processing taxes and the regimentation, we have not recovered half as fast as other nations. And so I say, and say deliberately, that all this administrative interference with business is holding us back from recovery instead of promoting it, and that what we need is fewer professors, less government in business, a quick adjournment of Congress, and a sadly missed chance to mind our own affairs.

These "brain trusters" have debased the dollar to 59 cents. Debasing the dollar means that gradually, not all at once, but gradually, the cost of living and the cost of everything that one uses will go up 41 percent. This means that the endowment funds that are invested in fixed-income securities of churches, hospitals, schools, libraries, and universities will be cut in purchasing power by 41 percent. This means, for instance, that Princeton University will no longer be able to give as many scholarships; or if they give as many scholarships, the student will only get 59 percent of what a student obtained before, and in addition to that, in the same bill besides depreciating the dollar, they have set aside the sum of $2,000,000,000 to play with in the gold market of the world. Speaking against this bill on the floor of the Senate 3 months ago, I said the Treasury Department is trying to compete in world markets with people who had been trained in the exchange markets for more than 100 years, from generation to generation, and that the only result would be that in a year or two they would have our $2,000,000,000 and we might have a few hundred millions of gold more, but that was all. What has happened is this—we allowed Europe to draw from the United States

some nine hundred and eighty millions of gold at $20 an ounce; that with this $2,000,000,000 we have been buying back this gold at $35 an ounce, or paying Europe a profit of $15 on every ounce of gold that we repurchased. And Europe has already sold us more than seven hundred millions of gold. In other words, they have made a profit of $300,000,000.

We have decreased the amount that foreign nations have to pay on their debts, if they are willing to pay by 41 cents on the dollar. They will not even pay us the money we have given them.

This is still a land of opportunity. You Young Republicans stand on the threshold of another era of industrial growth and development. The question you must decide as you prepare to take your places on the political battle front is simply this:

Shall we subscribe to the theory that all human endeavor in this country must bow to a governmental bureaucracy at Washington?

For my own part, the answer is a simple and emphatic "No."

In my efforts to serve the citizens of New Jersey in the United States Senate, I have steadfastly held to the belief that no passing emergency justifies the abandonment of the Constitution or the curtailment of human rights.

As a member of an older political generation, let me say once more that I welcome you into the ranks.

It is to you that we must fling the torch of Republican leadership.

I know you will catch it, right side up, and carry it bravely forward in the stirring days to come.

EXECUTIVE SESSION

Mr. ROBINSON of Arkansas. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. LOGAN, from the Committee on the Judiciary, reported favorably the nomination of M. Frank Hammond, of Texas, to be United States marshal, southern district of Texas, to succeed Herbert E. L. Toombs, removed.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

He also, from the same committee, reported adversely the nomination of William R. Taylor to be postmaster at Fulton, Mo., in place of F. D. Williams, resigned.

The VICE PRESIDENT. The reports will be placed on the calendar.

TREATIES

Mr. PITTMAN. Mr. President, there are two treaties on the calendar, which will probably take half an hour to read and explain, and it is now 6:15 p.m. I will give the same notice that I gave heretofore that upon the termination of consideration of the pending bill I shall ask for an executive session for the purpose of acting on the two pending treaties. I ask that the treaties be passed over.

The VICE PRESIDENT. The treaties will be passed over. The calendar of nominations is next in order.

DEPARTMENT OF THE INTERIOR

The legislative clerk read the nomination of Fred S. Minier to be register of land office, Pierre, S.Dak.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

THE JUDICIARY

The legislative clerk read the nomination of Milton J. Helmick to be judge of the United States Court for China.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. HATCH. Mr. President, with regard to the confirmation of Judge Helmick, I ask unanimous consent that the President be notified immediately of his confirmation. In explanation of the request, I will say I am informed there is grave doubt as to the legality of the judge now acting in China, his term having expired.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the President will be notified.

The legislative clerk read the nomination of Summerfield S. Alexander to be United States attorney for the district of Kansas.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of George P. Alderson to be United States marshal for the southern district of West Virginia.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

POSTMASTERS

The Legislative Clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. Mr. President, I ask that no. 1878 of the postmasters, being the nomination of Myrtle Hufty, Paonia, Colo., be recommitted to the Committee on Post Offices and Post Roads.

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

Mr. McKELLAR. As to all the other postmasters, I ask that the nominations be confirmed en bloc.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the nominations are confirmed en bloc.

IN THE ARMY

The Legislative Clerk proceeded to read sundry nominations in the Army.

Mr. SHEPPARD. Mr. President, I ask that the nominations in the Army be confirmed en bloc.

The VICE PRESIDENT. Without objection the nominations in the Army are confirmed en bloc. That completes the Calendar.

ADJOURNMENT

The Senate resumed legislative session.

Mr. ROBINSON of Arkansas. I move that the Senate adjourn until 11 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 17 minutes p.m.) the Senate adjourned until tomorrow, Thursday, April 26, 1934, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate April 25, 1934

SECRETARY IN THE DIPLOMATIC SERVICE

Raleigh A. Gibson, of Illinois, now a Foreign Service officer of class 6 and a consul, to be also a secretary in the Diplomatic Service of the United States of America.

POSTMASTERS

ALABAMA

Amos N. Fain to be postmaster at Ariton, Ala., in place of A. N. Fain. Incumbent's commission expired April 23, 1934.

ARIZONA

Edward L. Gay to be postmaster at Clemenceau, Ariz., in place of E. L. Gay. Incumbent's office expires April 28, 1934.

Charles C. Stemmer to be postmaster at Cottonwood, Ariz., in place of C. C. Stemmer. Incumbent's commission expired January 23, 1933.

ARKANSAS

Herbert D. Russell to be postmaster at Conway, Ark., in place of G. E. Owen, removed.

Lyle A. Wert to be postmaster at Garfield, Ark., in place of G. H. Mills. Incumbent's commission expired December 16, 1933.

Leo C. Russell to be postmaster at Lamar, Ark., in place of G. B. Sparks, resigned.

Claude M. Farish to be postmaster at Morrilton, Ark., in place of J. M. Merrick. Incumbent's commission expired February 6, 1934.

CALIFORNIA

Gilbert G. Vann to be postmaster at Arbuckle, Calif., in place of F. L. Summers, removed.

Olive G. Nance to be postmaster at Arvin, Calif., in place of E. W. Holt, resigned.

Maybel Lewis to be postmaster at Atwater, Calif., in place of C. A. Osborn, removed.

Julius G. Dennert to be postmaster at Downey, Calif., in place of K. C. Weiss, removed.

Terrell L. Rush to be postmaster at Elsinore, Calif., in place of J. C. Neblett. Incumbent's commission expired December 18, 1933.

Frank T. Ashby to be postmaster at Etna, Calif., in place of B. A. Parker. Incumbent's commission expired May 23, 1933.

Bert R. Hild to be postmaster at Fair Oaks, Calif., in place of H. M. Miller. Incumbent's commission expired February 6, 1934.

Charles N. Hood to be postmaster at Fresno, Calif., in place of G. W. Turner, retired.

Nelson C. Fowler to be postmaster at Kelseyville, Calif., in place of M. A. Davies. Incumbent's commission expired January 16, 1933.

Ethel M. Peterson to be postmaster at Lake Arrowhead, Calif., in place of N. G. Krieger. Incumbent's commission expired December 16, 1933.

Charles H. Jones to be postmaster at Lodi, Calif., in place of E. B. Herrick, resigned.

Floyd L. Turner to be postmaster at Lower Lake, Calif., in place of J. L. Pope, removed.

Lindsey L. Burke to be postmaster at Norwalk, Calif., in place of G. W. Archer, removed.

Wesley L. Benepe to be postmaster at Sebastopol, Calif., in place of S. S. Abeel, resigned.

Arne M. Madsen to be postmaster at Solvang, Calif., in place of C. C. H. Hornsyld. Incumbent's commission expired December 11, 1932.

COLORADO

Perry N. Cameron to be postmaster at De Beque, Colo., in place of G. W. Heflin. Incumbent's commission expired December 16, 1933.

Sadie P. Aspaas to be postmaster at Ignacio, Colo., in place of J. C. Flint, removed.

Michael F. O'Day to be postmaster at Lafayette, Colo., in place of Alice Estes. Incumbent's commission expired January 9, 1934.

Angeline B. Adkisson to be postmaster at Longmont, Colo., in place of H. L. Large. Incumbent's commission expired April 28, 1934.

Henry C. Monson to be postmaster at Steamboat Springs, Colo., in place of C. E. Baer. Incumbent's commission expired April 24, 1932.

CONNECTICUT

Michael J. Cook to be postmaster at Ansonia, Conn., in place of A. W. Jeynes, retired.

Forrest G. Thatcher to be postmaster at East Hampton, Conn., in place of H. G. Hills. Incumbent's commission expired February 6, 1934.

Thomas H. Hillery to be postmaster at Hazardville, Conn., in place of E. B. Sexton. Incumbent's commission expired December 16, 1933.

Ralph W. Bull to be postmaster at Kent, Conn., in place of J. E. Casey. Incumbent's commission expired January 28, 1934.

John Welsh to be postmaster at Killingly, Conn., in place of J. J. O'Neill. Incumbent's commission expired December 12, 1932.

Edward J. Minnix to be postmaster at Milldale, Conn., in place of L. C. Frost. Incumbent's commission expired January 9, 1934.

Durward E. Granniss to be postmaster at New Preston, Conn., in place of D. E. Granniss. Incumbent's commission expired January 28, 1934.

Nellie A. Byrnes to be postmaster at Pomfret, Conn., in place of N. A. Byrnes. Incumbent's commission expired January 9, 1934.

George Forster to be postmaster at Rockville, Conn., in place of G. E. Dickinson, transferred.

Arthur J. Caisse to be postmaster at South Willington, Conn., in place of James Service, Jr. Incumbent's commission expired December 7, 1932.

William J. Farnan to be postmaster at Stonington, Conn., in place of J. S. Anderson, Jr. Incumbent's commission expired September 18, 1933.

Catherine S. Barnett to be postmaster at Suffield, Conn., in place of Edward Perkins. Incumbent's commission expired January 28, 1934.

John J. Burns to be postmaster at Waterford, Conn., in place of W. C. Saunders, resigned.

DELAWARE

James A. Jester to be postmaster at Felton, Del., in place of R. E. Harrington. Incumbent's commission expired April 22, 1934.

FLORIDA

Albert E. Lounds to be postmaster at Crescent City, Fla., in place of E. D. Lounds. Incumbent's commission expired January 9, 1934.

Cecil C. Stinson to be postmaster at De Funiak Springs, Fla., in place of R. W. Storrs, removed.

GEORGIA

Herman C. Fincher to be postmaster at Legrange, Ga., in place of W. L. Turner, retired.

Jessie Gunter to be postmaster at Social Circle, Ga., in place of Jessie Gunter. Incumbent's commission expires April 28, 1934.

Alfred L. Morgan to be postmaster at Sylvania, Ga., in place of L. M. Overstreet, resigned.

William O. Wolfe to be postmaster at Uvalda, Ga., in place of W. O. Wolfe. Incumbent's commission expires April 28, 1934.

IDAHO

Joseph W. Tyler to be postmaster at Emmett, Idaho, in place of R. R. Coon. Incumbent's commission expired December 13, 1932.

Edward T. Gilroy to be postmaster at Kooskia, Idaho, in place of J. H. Shaw, deceased.

Fred Kling to be postmaster at Lewiston, Idaho, in place of J. N. Howe. Incumbent's commission expired January 26, 1933.

John B. Cato to be postmaster at Meridian, Idaho, in place of O. M. Laing. Incumbent's commission expired January 11, 1934.

Henry G. Reiniger to be postmaster at Rathdrum, Idaho, in place of A. O. Skinner. Incumbent's commission expired May 29, 1933.

ILLINOIS

Hugh P. Rigney to be postmaster at Arthur, Ill., in place of C. C. Hamilton. Incumbent's commission expired December 18, 1933.

Raymond E. O'Brien to be postmaster at Bartlett, Ill., in place of H. H. Schultz. Incumbent's commission expired December 20, 1932.

Thomas Bernard Meehan to be postmaster at Bluffs, Ill., in place of P. M. Green, resigned.

Leslie O. Cain to be postmaster at Bowen, Ill., in place of L. D. Sickles, removed.

Gilbert Jeptha Armstrong to be postmaster at Chandlerville, Ill., in place of H. A. Garner, removed.

Meda Lorton to be postmaster at Cowden, Ill., in place of E. B. Perryman. Incumbent's commission expired February 8, 1933.

Harold R. Tomb to be postmaster at Eureka, Ill., in place of J. H. Laws. Incumbent's commission expired May 29, 1932.

Earl Grimm to be postmaster at Fairview, Ill., in place of N. T. Lindstrom. Incumbent's commission expired December 18, 1933.

Edward P. Malone to be postmaster at Gilman, Ill., in place of A. F. Kietzman, removed.

Charles G. Sowell to be postmaster at Granite City, Ill., in place of M. A. Eisenmayer. Incumbent's commission expired December 15, 1931.

Fred C. Hall to be postmaster at Griggsville, Ill., in place of Bertha Harvey, resigned.

Frank Fischer to be postmaster at Hamburg, Ill., in place of J. E. Nelson, removed.

Orville W. Lyerla to be postmaster at Herrin, Ill., in place of J. E. Grizzell. Incumbent's commission expired January 29, 1933.

J. Vernon Lessley to be postmaster at Sparta, Ill., in place of T. A. Brown, deceased.

INDIANA

Karl B. Gast to be postmaster at Akron, Ind., in place of Harley Secor. Incumbent's commission expired December 13, 1932.

John W. Markle to be postmaster at Andrews, Ind., in place of S. E. Ellison. Incumbent's commission expired June 7, 1933.

Neil D. Thompson to be postmaster at Argos, Ind., in place of D. W. Grossman. Incumbent's commission expired December 13, 1932.

Edward M. Cripe to be postmaster at Camden, Ind., in place of M. F. Cline, removed.

Fred M. Briggs to be postmaster at Churubusco, Ind., in place of A. A. Anderson. Incumbent's commission expired January 19, 1933.

Lowell B. Pontius to be postmaster at Claypool, Ind., in place of Lewis Debolt, resigned.

Ira Clouser to be postmaster at Crawfordsville, Ind., in place of William Endicott. Incumbent's commission expired February 28, 1933.

Neola S. True to be postmaster at Demotte, Ind., in place of S. B. Fairchild. Incumbent's commission expired December 13, 1932.

Ellis D. Malone to be postmaster at Elnora, Ind., in place of James Quillian. Incumbent's commission expired January 11, 1934.

Ada R. Wilson to be postmaster at Galveston, Ind., in place of E. S. Beeson. Incumbent's commission expired February 28, 1933.

Rheno M. Isherwood to be postmaster at La Fayette, Ind., in place of J. D. Bartlett, removed.

Walter J. Smith to be postmaster at Loogootee, Ind., in place of J. E. Gilkison, removed.

Josiah J. Hostetler to be postmaster at Shipshewana, Ind., in place of J. J. Hostetler. Incumbent's commission expires April 30, 1934.

Marion H. Rice to be postmaster at Wolcottville, Ind., in place of F. E. Sears. Incumbent's commission expired January 19, 1933.

IOWA

Fred W. Daries to be postmaster at Armstrong, Iowa, in place of Harriette Olsen. Incumbent's commission expired December 18, 1933.

John J. Fowler to be postmaster at Eldora, Iowa, in place of C. A. Norris. Incumbent's commission expired December 13, 1932.

Gertrude O. Ward to be postmaster at Melrose, Iowa, in place of R. L. Day. Incumbent's commission expired December 18, 1933.

Robert A. Mortland to be postmaster at Montezuma, Iowa, in place of H. L. Smith. Incumbent's commission expired December 18, 1933.

Harry F. Chance to be postmaster at Redfield, Iowa, in place of G. A. Bennett. Incumbent's commission expired December 18, 1933.

Lulu M. Davis to be postmaster at Waukee, Iowa, in place of B. F. Jones, resigned.

LOUISIANA

Overton Gauthier to be postmaster at Jennings, La., in place of Z. McD. Medisette. Incumbent's commission expired October 10, 1933.

MICHIGAN

Florence E. Baldwin to be postmaster at Kinsley, Mich., in place of A. B. Stinson. Incumbent's commission expired December 16, 1933.

MINNESOTA

Allen J. Doran to be postmaster at Grand Rapids, Minn., in place of A. L. LaFreniere, resigned.

Dean M. Alderman to be postmaster at Grey Eagle, Minn., in place of F. C. Fuller. Incumbent's commission expired February 25, 1933.

Patrick J. Hartigan to be postmaster at Paynesville, Minn., in place of C. C. Tolman. Incumbent's commission expired May 28, 1933.

Teresa L. Wolf to be postmaster at Staples, Minn., in place of J. W. Featherston, removed.

Sarah E. Jones to be postmaster at Zimmerman, Minn., in place of S. E. Jones. Incumbent's commission expires April 30, 1934.

MISSISSIPPI

David W. Colbert to be postmaster at Columbia, Miss., in place of R. W. Kyzar, removed.

Ellen J. Hederman to be postmaster at Jackson, Miss., in place of E. C. Cloon, resigned.

John T. Dawson to be postmaster at Summit, Miss., in place of T. L. Cotten. Incumbent's commission expired December 17, 1931.

Beall A. Brock to be postmaster at West, Miss., in place of B. A. Brock. Incumbent's commission expires April 28, 1934.

MISSOURI

William P. Clarkson to be postmaster at Callao, Mo., in place of E. M. Mayhew. Incumbent's commission expired December 18, 1933.

NEBRASKA

Harry C. Furse to be postmaster at Alma, Nebr., in place of F. L. Kemper. Incumbent's commission expired December 16, 1933.

Walter Nowka to be postmaster at Glenvil, Nebr., in place of Walter Nowka. Incumbent's commission expires April 28, 1934.

Aileen L. Coker to be postmaster at Hershey, Nebr., in place of W. E. Bales, removed.

NEVADA

Ralph H. Burdick to be postmaster at Tonopah, Nev., in place of C. C. Boak. Incumbent's commission expired September 30, 1933.

NEW JERSEY

James D. Magee to be postmaster at Bordentown, N.J., in place of F. T. Buchanan, removed.

Herbert E. Poulson to be postmaster at Far Hills, N.J., in place of H. E. Poulson. Incumbent's commission expired April 8, 1934.

Joseph G. Gallagher to be postmaster at Ridgewood, N.J., in place of R. T. Wilson, deceased.

Joseph S. Sickler to be postmaster at Salem, N.J., in place of N. S. Hires. Incumbent's commission expired February 9, 1932.

NEW MEXICO

Rosalie Littlefield to be postmaster at Elida, N.Mex., in place of J.R. Roberts. Incumbent's commission expired January 5, 1932.

Mary McCullough to be postmaster at Roswell, N.Mex., in place of C. H. Lutz, deceased.

Jose Z. Sanchez to be postmaster at Santa Rosa, N.Mex., in place of C. C. Sanchez. Incumbent's commission expired February 24, 1931.

NEW YORK

Mayhew D. Tower to be postmaster at East Moriches, N.Y., in place of M. E. Hart. Incumbent's commission expired September 19, 1933.

Denis W. Keating to be postmaster at Olean, N.Y., in place of C. E. Smith, retired.

NORTH CAROLINA

Lula G. Harris to be postmaster at Macon, N.C., in place of L. G. Harris. Incumbent's commission expires April 28, 1934.

NORTH DAKOTA

John A. Corrigan to be postmaster at Stanley, N.Dak., in place of O. T. Nelson, removed.

OHIO

Charles J. Bocklet to be postmaster at Cincinnati, Ohio, in place of A. L. Behymer, resigned.

Lloyd D. Poorman to be postmaster at Dalton, Ohio, in place of J. W. Shisler. Incumbent's commission expired December 18, 1933.

Calvin H. Love to be postmaster at Maumee, Ohio, in place of J. W. Kramer. Incumbent's commission expired May 10, 1932.

Joseph W. Cavalier to be postmaster at Oakharbor, Ohio, in place of W. A. Campbell. Incumbent's commission expired January 5, 1933.

Charles Edward Kirschner to be postmaster at Toledo, Ohio, in place of W. T. Huntsman. Incumbent's commission expired December 20, 1932.

OKLAHOMA

Hallie C. Forde to be postmaster at Cherokee, Okla., in place of J. W. Rackley, removed.

Frank S. DeWolfe to be postmaster at Guymon, Okla., in place of B. F. Rarick. Incumbent's commission expired December 14, 1932.

PENNSYLVANIA

Charles H. Rettew to be postmaster at Honesdale, Pa., in place of J. N. Sharpsteen, retired.

James K. Bell to be postmaster at Warren, Pa., in place of K. M. Lyons. Incumbent's commission expired January 10, 1932.

SOUTH CAROLINA

John L. Hinnant to be postmaster at Eutawville, S.C., in place of H. F. Shuler. Incumbent's commission expired January 16, 1932.

Stephen E. Leverette to be postmaster at Iva, S.C., in place of S. E. Leverette. Incumbent's commission expired April 22, 1934.

Gertrude Nance to be postmaster at Mullins, S.C., in place of L. V. Martin. Incumbent's commission expired January 8, 1933.

Albert H. Askins to be postmaster at Timmonsville, S.C., in place of A. H. Askins. Incumbent's commission expired January 8, 1933.

SOUTH DAKOTA

Emma Peterson to be postmaster at Draper, S.Dak., in place of Emma Peterson. Incumbent's commission expires April 28, 1934.

Lulu Turner to be postmaster at Ethan, S.Dak., in place of Lulu Turner. Incumbent's commission expires April 28, 1934.

TENNESSEE

Ferd B. Cowan to be postmaster at White Pine, Tenn., in place of K. L. Pearson, removed.

TEXAS

Charles D. Grady to be postmaster at Keene, Tex., in place of M. A. Luccock. Incumbent's commission expired March 22, 1934.

Alide Schneider to be postmaster at Marion, Tex., in place of Alide Schneider. Incumbent's commission expired April 15, 1934.

John W. White to be postmaster at Uvalde, Tex., in place of J. W. White. Incumbent's commission expires April 28, 1934.

UTAH

Isaac A. Smoot to be postmaster at Salt Lake City, Utah, in place of John McPhee, removed.

VIRGINIA

Mary F. Cunningham to be postmaster at Fort Myer, Va., in place of M. F. Cunningham. Incumbent's commission expired April 22, 1934.

Austin C. Tyree to be postmaster at Millboro, Va., in place of A. F. Johnson. Incumbent's commission expired September 30, 1933.

WASHINGTON

Fanny I. Jennings to be postmaster at Spangle, Wash., in place of F. I. Jennings. Incumbent's commission expired April 22, 1934.

WISCONSIN

Roman W. Stoffel to be postmaster at Allenton, Wis., in place of L. W. Kuhaupt. Incumbent's commission expired December 18, 1933.

Frank J. Horak to be postmaster at Oconto, Wis., in place of W. M. Comstock. Incumbent's commission expired May 21, 1930.

James W. Carew to be postmaster at Waupaca, Wis., in place of W. J. Nelson. Incumbent's commission expired January 31, 1934.

WYOMING

Margaret L. Cooper to be postmaster at Medicine Row, Wyo., in place of A. M. West. Incumbent's commission expired December 8, 1932.

Chester A. Lindsley to be postmaster at Yellowstone Park, Wyo., in place of C. A. Lindsley. Incumbent's commission expires April 28, 1934.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 25, 1934

UNITED STATES COURT FOR CHINA

Milton J. Helmick to be judge of the United States Court for China.

UNITED STATES ATTORNEY

Summerfield S. Alexander to be United States attorney for the district of Kansas.

UNITED STATES MARSHAL

George P. Alderson to be United States marshal for the southern district of West Virginia.

REGISTER OF LAND OFFICE

Fred S. Minier to be register of land office at Pierre, S.Dak.

APPOINTMENT BY TRANSFER IN THE REGULAR ARMY

Maj. Ivan Sanders Curtis to Quartermaster Corps.

PROMOTIONS IN THE REGULAR ARMY

Gustavus Franzle Chapman to be captain, Quartermaster Corps.

David Raymond Gibbs to be first lieutenant, Air Corps.

POSTMASTERS

ALABAMA

Elmer H. Carter, Castleberry.
William P. Tartt, Livingston.
Peyton C. Wilson, Montevallo.
James A. Anderson, University.

ALASKA

Harold T. Jestland, Bethel.

ARIZONA

Charles J. Moody, Superior.

COLORADO

Robert P. James, Cedaredge.
James O. Stevic, Denver.
James E. Adams, Englewood.
Robert R. Lawson, Grover.
Edward H. Applegate, Jr., Lamar.
Rice A. Palmer, Redcliff.
Herbert S. Butler, Rico.
E. Velma Logan, Stratton.

MAINE

Richard H. Hughes, Brownville Junction.
Erma G. Maxim, Corinna.
Jerome G. Russell, Danforth.
Leon C. Weed, Deer Isle.
Elsie D. Smart, Eagle Lake.
John A. Lyons, East Millinocket.
Norman R. Thombs, Greenville.
Cyril Cyr, Jackman Station.
Edna G. Chase, Limestone.

William E. Baker, Lubec.
Sumner A. Fickett, Millbridge.
May C. Thorpe, Sabattus.
Earll W. Gott, South West Harbor.
Lewis P. Philbrick, Thorndike.
Orrin V. Drew, Vinalhaven.
Ernest F. Poulin, Waterville.

MARYLAND

Jacob R. L. Wink, Manchester.
Francis H. Blake, Sparks.
Joseph Wilmer Baker, Union Bridge.
Nellie T. Reed, Williamsport.

MASSACHUSETTS

George F. Cramer, Amherst.
Henry J. Cottrell, Beverly.
Frances A. Rogers, Billerica.
Arthur A. Hendrick, Brockton.
Francis K. Irwin, Cataumet.
Thomas V. Sweeney, Harding.
Josephine R. McLaughlin, Hathorne.
George M. Lynch, Somerset.
Thaddeus F. Webber, Winchendon.

MISSISSIPPI

Frances G. Wimberly, Jonestown.
Mamie L. Harvey, Mathiston.
John R. Oliver, Natchez.
William C. Mabry, Newton.
Robert A. Dean, Okolona.
Henry Boswell, Sanatorium.
James C. Lamkin, Yazoo City.

MISSOURI

Harold Stewart, Bolivar.
Joseph W. McMenus, Conway.
James F. Hughes, Greenville.
Alexander W. Graham, Kansas City.
Hugh M. Price, La Monte.
Elisha O. Bryeans, Oran.
Orlo H. Bond, Sheridan.
Leah M. White, Smithton.
Emmett R. Burrows, Van Buren.

NEW HAMPSHIRE

Clarence A. Burt, Concord.
Benjamin H. Dodge, New Boston.
Robert E. Gould, Newport.
H. Leslie Thompson, North Haverhill.
Richard U. Cogswell, Warner.

NORTH DAKOTA

Karl E. Fischer, Hague.
Bennie M. Burreson, Pekin.

OHIO

Walter E. Cole, Andover.
Mary E. Bakle, Antwerp.
William J. Grandy, Byesville.
Harry H. Weiss, Canton.
Leita Tuttle, Chardon.
Thomas G. Moore, East Orwell.
Myrtle Grant, Grove City.
Harlan B. Merkle, Hartville.
Thomas Kyer, Jackson.
Daniel L. Pokey, Lakeside.
Clelland R. Polen, Lewisville.
Benjamin E. Bowden, Lowell.
Anna M. Cook, Lucasville.
Harry W. Gordon, McConnelsville.
Howard D. DeMar, Madeira.
Everett Bennett, Morrow.
Fred A. Stratton, Mount Orab.
Palmer Phillips, Mount Sterling.
Garrett W. Bowen, Newtown.
Lester Overfield, North Lewisburg.
John O. Entrikin, North Lima.
Michael J. Gumbriell, North Olmsted.
Charles O. Frederick, Norwalk.
Carl S. Corvin, Oak Hill.
Agnes O. Schritz, Olmsted Falls.
Wilver T. Naragon, Osborn.
James M. McCrone, Poland.
Thomas F. Short, Seaman.
Homer H. Dearth, Summerfield.
Urn S. Abbott, Tiffin.
Frank H. Waldeck, Warren.
Harry A. Higgins, Xenia.

OREGON

William J. McLean, Kerby.
Bryan Dieckman, Myrtle Creek.

TEXAS

Lee Brown, Blanco.
Joseph Y. Fraser, Colorado.
Opal Farris, Daisetta.
Joe C. Martin, Itasca.
Asbury R. Odom, Rusk.
William C. Wells, Tahoka.
Mollie S. Berryman, Willis.

VERMONT

Gertrude L. Cutler, Cambridge.
Hollis S. Johnson, Castleton.
William T. Johnson, Hardwick.
Mabel M. Hemenway, Jeffersonville.
Mary F. Brown, Readsboro.
Thomas E. Flynn, Underhill.
Waldo K. Powers, Vergennes.
Peter E. Kehoe, West Pawlet.
Martin H. Bowen, Wolcott.

VIRGIN ISLANDS

Bartholin R. Larsen, Christiansted.

HOUSE OF REPRESENTATIVES

WEDNESDAY, APRIL 25, 1934

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D.D., offered the following prayer:

Blessed be the Lord our God, beneath whose mighty hand we bow. We rejoice that to those who come to Thee with hungry hearts Thy help is revealed; those who come to Thee with humility will find Thy yoke easy and Thy burden light; and those who come with penitence will find Thy mercy like the broadness of the sea. Heavenly Father, give us a growing conception and appreciation of the divine law whose seat is in the bosom of the merciful God. Brighten our ideals, that they may rebuke past sins and lend inspiration for the future. We believe that the Man of Galilee is the purest and the most radiant Teacher of the ages. Father in Heaven, encourage us to follow His example, to help the helpless as He helped them, to bear their burdens as He bore them, and in the cool of the evening may we find our way to some secret place and pray as He prayed. Amen.

The Journal of the proceedings of yesterday was read and approved.

PERSONAL EXPLANATION

Mr. BYRNS. Mr. Speaker, yesterday there appeared in one or two of the newspapers, not all of them, a statement which might have been construed as a criticism on my part of the leadership in the Senate. I certainly uttered no criticism and had none in my mind and made no statement which would reflect upon the magnificent leadership in the Senate. I have the highest admiration for that leadership, and I admire the skill with which it is conducted and has been conducted during the incumbency of the present distinguished leader. I have not only not criticized the leadership of the Senate but, on the contrary, I have on numerous occasions expressed my admiration of it.

I feel in justice to myself I should not permit the statement to appear in the newspapers to which I refer without making this correction. [Applause.]

ORDER OF BUSINESS

Mr. McGUGIN. Mr. Speaker, I ask unanimous consent to proceed for 6 minutes.

The SPEAKER. Is there objection?

Mr. BANKHEAD. Mr. Speaker, yesterday we had what I regard as a rather ironclad agreement with reference to the order of procedure this morning. This women's citizenship bill has had the right-of-way for some time but has been delayed for one reason or another. In compliance with the request of many Members yesterday afternoon for an adjournment, the rule for the consideration of this bill was adopted without debate, and the gentleman from Kansas [Mr. McGUGIN] will find by looking in the RECORD that it was understood and agreed by all parties that immediately after the reading of the Journal the gentleman from New York [Mr. DICKSTEIN] could move to go into Committee of the Whole to proceed with the consideration of this bill. I hope the gentleman will withdraw his request for the present time.

Mr. McGUGIN. Certainly after the other side proceeded for 1 hour yesterday the gentleman will not object to my proceeding for 6 minutes.

Mr. CARPENTER of Nebraska. Mr. Speaker, I object.

Mr. RICH. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas be given 10 minutes at the conclusion of the bill referred to by the gentleman from Alabama.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the gentleman from Kansas may be permitted to address the House for 10 minutes at the conclusion of the bill (H.R. 3673) in order today. Is there objection?

Mr. DOUGLASS. Mr. Speaker, I object. We have a vocational education bill here which has been waiting for 3 weeks to get the floor.

The SPEAKER. Objection is heard.

Mr. RICH. If they are not going to give some recognition to the gentleman from Kansas, we will have to object to any business they want to do.

Mr. BANKHEAD. Mr. Speaker, I have no disposition, as I am sure the gentleman from Kansas will believe, to object to his speaking, but after we have had a hard-and-fast agreement with respect to the order of business today, I trust the gentleman from Kansas will accept the situation.

Mr. RICH. Cannot the gentleman suggest a time today when the gentleman from Kansas may proceed for 10 minutes?

Mr. BANKHEAD. Personally I have no objection to the gentleman from Kansas proceeding as soon as we have finished this business.

Mr. RICH. That was the request that I made.

Mr. BANKHEAD. I have no objection to that.

Mr. McFARLANE. Mr. Speaker, I demand the regular order.

Mr. SNELL. This is the regular order.

The SPEAKER. Is there objection to the request?

Mr. RICH. Mr. Speaker, I repeat my request, that the gentleman from Kansas be given 10 minutes to proceed at the conclusion of the business before the House today.

The SPEAKER. Is there objection?

Mr. DOUGLASS. I object.

Mr. SABATH. Mr. Speaker, I reserve the right to object. Is it not a fact that there has been a tentative agreement to take up today the De Priest resolution and get that out of the way? That may take a little time.

Mr. BANKHEAD. I have no objection to taking up that resolution when we conclude the debate on this bill.

Mr. SABATH. That is the reason I feel that should be the next order of business.

Mr. DOUGLASS. Mr. Speaker, my objection is not an unfriendly or personal one, but I make it because of the fact that the Committee on Education has had before the House, under a rule reported sometime since, a bill for vocational education. That bill will have to be passed within a few days or a week, or there will be no Federal vocational education, and, because of the importance of considering that, I must object.

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

Mr. DOUGLASS. I yield.

Mr. RICH. To give the gentleman from Kansas 10 minutes certainly would not delay the gentleman's bill any great length of time.

Mr. DOUGLASS. I am willing that the gentleman may proceed for 10 minutes after the consideration of my bill.

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. DICKSTEIN].

CITIZENSHIP AND NATURALIZATION

Mr. DICKSTEIN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3673) to amend the law relative to citizenship and naturalization, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3673) to amend the law relative to citizenship and naturalization, and for other purposes; with Mr. MARTIN of Colorado in the chair.

The Clerk read the title of the bill.

By unanimous consent the first reading of the bill was dispensed with.

Mr. DICKSTEIN. Mr. Chairman, I yield myself 10 minutes.

Mr. DICKSTEIN. Mr. Chairman, the bill, H.R. 3673, deals with amendments of the law relative to citizenship and naturalization, and for other purposes, and is commonly known as the "equalization bill", for it seeks to equalize the citizenship rights of male citizens and female citizens of the United States.

The primary purpose of the bill is to equalize the status of female citizens, so that they may have the same rights in regard to citizenship and naturalization as are enjoyed by male citizens, and especially with regard to the question of derivative citizenship, so that a child may derive citizenship through the mother as well as through the father.

The bill in no way raises any question with regard to the relative status of a citizen by nativity as compared with that of a citizen by naturalization. Under this bill, a female citizen is a citizen regardless of whether she was born in this country or was naturalized or derived her citizenship from father or husband.

I will now proceed to an analysis of the bill and will ask your indulgence, because it is rather complicated. The first section of the bill provides that persons born abroad, one of whose parents is an American citizen, may derive citizenship either from the mother or from the father. Under existing law such children may derive citizenship only through the father. This bill grants to female citizens of the United States the right enjoyed by male citizens, in that if a child is born of the union between an American citizen woman and a man who is not American citizen, the child, under the provisions of this bill, may derive American citizenship through the mother, whereas at the present time it cannot.

To illustrate the inequality of the present law, let us consider on the one hand the case of children born out of the United States to a couple, the man being of Chinese ancestry but a native-born American citizen and the woman an alien ineligible to citizenship, and on the other hand the case of children born out of the United States of the union between a native-born white woman and a Britisher. In each instance the children were born outside the limits of the United States. In the case of the Chinaman the children arriving at the port of entry, Ellis Island or San Francisco, or be it where it may, are admitted as American citizens, whereas the white child of the native-born American woman married to the Britisher is held back and is called an "alien." Because of the inequality of the present law, that child derives the citizenship of the alien father, even though the mother is a native-born white American citizen.

The committee has studied this bill for over a year. As a matter of fact, we requested the various departments and the President to call into conference the various group leaders in this administration to study the inequality and the hardships of the naturalization laws, and I am glad to say that the various departments have withdrawn their objection upon realizing the hopeless inequality between male and female citizens.

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

Mr. DICKSTEIN. I yield.

Mr. DIES. I want to clarify this: Is it not a fact that under the present law the child of an American father born outside the limits and jurisdiction of the United States becomes an American citizen?

Mr. DICKSTEIN. The gentleman is correct.

Mr. DIES. He becomes an American citizen although the child does not have to return to the United States, does not have to reside in the United States. Under this bill, however, as amended by an amendment I proposed in the committee and which the committee accepted, the child must return to the United States before he reaches his eighteenth birthday and reside here for 5 years before he can become an American citizen.

Mr. DICKSTEIN. The gentleman is correct. I am coming to that feature; I will explain it.

Mr. HASTINGS. And the child must come to the United States before he is 18 years of age.

Mr. DIES. Yes; the child must come to this country before he is 18 years old.

Mr. DICKSTEIN. Should this bill become a law—and I hope it will be passed at the earliest possible moment—a safeguard has been provided by the committee with respect to these children. Although under the provisions of this bill the child may derive nationality from either the mother or the father, still the child must come to the United States before the eighteenth birthday, and the child must live in the United States for at least 5 years before citizenship could attach to him. But the bill takes away the stigma of inequality to children of male and female citizens. As I pointed out in my illustration, the children born abroad of a Chinese father, an American citizen, could come in as citizens; yet in the case of the female American citizen marrying the Britisher, the white child of the white American woman is deprived of citizenship.

Now, these children would have to make a declaration. In other words they cannot have dual nationality. If they come into this country under the terms of this bill, not only would they have to reside in this country for a period of 5 years but they would also have to take an oath of allegiance to the United States of America and reside here for at least 5 years.

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

Mr. DICKSTEIN. I yield.

Mr. ELTSE of California. If an American-born Chinese man goes to China and marries and of the union a child is born before his return to the United States, the child would not be entitled to citizenship, would he?

Mr. DICKSTEIN. If a native American Chinese or Japanese, one who was born here, goes to China or Japan and has a family of a dozen or more or less, under the present law these children are citizens of the United States ab initio from the beginning.

Mr. ELTSE of California. Under the present law?

Mr. DICKSTEIN. Under the present law.

Mr. ELTSE of California. But if this bill is passed and becomes a law, those children never can become citizens.

Mr. DICKSTEIN. I grant the gentleman that is true, but the purpose is to create a dead line some place, because the committee has found that there has been a continuation, in some cases deliberately, where a native American Chinese goes to China and marries. He transmits citizenship to his children. His sons come to the United States, stay here long enough to claim to have lived here, then go back and get married, and their children in turn are citizens of the United States under the existing law.

So it goes right down the generations. This bill puts a stop to this endless chain.

Children whose birth takes place after the bill is enacted into law, where an alien parent is an alien ineligible to citizenship by naturalization, would not derive citizenship from their citizen parent, either mother or father. In other words, after this bill is enacted into law they cannot bring children back here that were born in China for the purpose of giving derivative citizenship to their heirs, who could not become citizens through naturalization proceedure. A practice which goes on indefinitely under existing law.

[Here the gavel fell.]

Mr. DICKSTEIN. Mr. Chairman, I yield myself 5 additional minutes.

Mr. ELTSE of California. As a matter of fact, do not most of these American-born Chinese who go to China to marry, immediately return to the United States and their children are born in this country and not in China?

Mr. DICKSTEIN. No. We find that they keep their children there for many years and then bring them in when they are big and able to do some work in this country. They do not bring them in right away. They do not educate them in this country. They go over there, get married, and raise a family. They may go to China or Japan every 10 years; they may go over there every second year. A child is born. On the birth of that child it receives derivative citizenship from the father, who was born here. If these children should come in at the age of 18 or 19, then go back to China and they marry again over there, the children of the father born here transmits citizenship to their children. So it goes on right down the line through generations.

This puts a stop to this practice upon the basis of elimination.

A person ineligible to citizenship but who is nevertheless a United States citizen by birth here or by derived citizenship under existing law may marry another person who likewise is ineligible to citizenship but nevertheless also is a United States citizen by birth here or by derived citizenship under existing law or, to illustrate, an American citizen Chinese may marry another American citizen Chinese, and in such a case the committee does not deprive the children of such unions to citizenship derived through either mother or father.

Mr. COX. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Georgia.

Mr. COX. My question may not be friendly to the gentleman's proposition.

Mr. DICKSTEIN. That is all right. This is an open discussion.

Mr. COX. The question I wish to propound is whether the gentleman knows of any other first-class government of the world that has ever proposed anything similar to that which is before us in the pending bill?

Mr. DICKSTEIN. This is not discriminatory against any race as much as it may appear to be. You take a white man who may marry a Chinese girl in China, she is excludable because she is ineligible to citizenship. Their children born abroad do derive citizenship under present law; under this bill as reported they would not do so.

Mr. COX. Does the gentleman know of any government in all the world that has proposed anything similar to what is contained in this bill?

Mr. DICKSTEIN. There are now about 13 or more countries whose laws now give the mother absolutely equal rights with the father to transmit nationality to the minor legitimate children. The Equal Nationality Treaty, which was recently signed by all of the 21 nations of the Pan American Union at Montevideo, when ratified, will give full equality to men and women on the Western Hemisphere in all matters pertaining to nationality, citizenship, and naturalization.

Mr. COX. However, does it not run counter to the laws of all the great powers of the world affecting nationality? Does not the gentleman set up a condition where a child of an American mother and an English father may be properly claimed to be both an Englishman and an American? That is what the gentleman does here.

Mr. DICKSTEIN. What we do is very simple.

Mr. COX. Is it in the law of any other country that a mother may transmit her nationality to the child?

Mr. DICKSTEIN. Yes; there are 13 or more countries where that is written in their laws now.

Mr. COX. Is not the gentleman in error in that statement? Is not the law in all of the first-class powers that the father transmits his nationality to the child?

Mr. DICKSTEIN. That is true. That has been the basic law, the father transmits his nationality to the child. But the constant trend of world legislation on nationality seems to be toward the full recognition of the right of equality for both men and women in matters of nationality.

Mr. COX. That is our law.

Mr. DICKSTEIN. That is our law, as to the child's citizenship at birth. It is not clear under our law now as to the child's citizenship when the mother, after the birth of her child, is repatriated as a United States citizen.

Mr. COX. That is a part of our naturalization law.

Mr. DICKSTEIN. That is right.

Mr. COX. The change that we undertake to make here in this pending proposal makes it possible for the mother to transmit her nationality to the child. What is the situation now in the case of an American mother marrying a subject of Germany? Under the German law and under the laws of all other nations the father transmits his nationality to the child, whereas under the law as it would be if we pass this bill the mother would likewise transmit her nationality to the child. Cannot the gentleman imagine complications which might arise as a result of the enactment of this pending proposal? For instance, what would the situation be in case of war between America and Germany? Of course, Germany would claim the citizen; America, under this law, would likewise claim the citizen. Cannot the gentleman appreciate the fact that international complications might arise as a result of the operation of such a law as is proposed here?

[Here the gavel fell.]

Mr. DICKSTEIN. Mr. Chairman, I yield myself 1 additional minute.

On the other hand, Mr. Chairman, under our Constitution and our naturalization laws the United States recognizes the right of women to become citizens in their own right, independently of whatever the citizenship may be of their husbands. In other words, women in the United States do not, under our law, lose their United States citizenship by marriage to an alien, neither do they gain United States citizenship by marriage to a citizen. I do not see any logical reason why we should continue an unequal policy which is to give certain rights to men who are citizens while the same rights are withheld from women who are citizens in their own right. This bill will equalize the rights enjoyed of each, the man-citizen and woman-citizen.

I may further answer the question of the gentleman from Georgia [Mr. Cox] by stating that if the gentleman will read the bill he will find we make provision for times of war and times of peace. The gentleman, as I understand, asked me the simple question of whether there will be dual nationality of such a child if this bill is passed; in other words, such a child will have the citizenship of the father, and also under this measure he will have the nationality of the mother. Is that correct?

Mr. COX. That is correct; yes.

Mr. DICKSTEIN. We have provided for the situation insofar as a war may be concerned, but assuming there is no war, such a child would have to make an election at his eighteenth birthday and would have to make a declaration prior to his eighteenth birthday when he enters the United States.

Mr. COX. That is, so far as the United States is concerned.

Mr. DICKSTEIN. Yes.

Mr. COX. But how can we set up a condition requiring an election that will strip him of his foreign nationality?

Mr. DICKSTEIN. The gentleman overlooks the fact that the advantages of this resolution do not take effect until the alien son or the alien daughter of an American woman actually enters the United States physically; in other words, such an alien child is still an alien so long as it remains in a foreign land.

Mr. COX. And he does not escape his foreign sovereignty and there would be no dual citizenship so long as the child stayed in a foreign country?

Mr. DICKSTEIN. No. But for the clarification of this problem I will read a memorandum prepared to show the history of this measure and designed to answer objections to the enactment of this bill:

Immediately after the enfranchisement of women in 1920, it was recognized that a next necessary step for the removal of the stigma of unequal citizenship between men and women was the equalization of nationality rights for all citizens of the United States.

Work toward this end was begun by the late Representative John Jacob Rogers of Massachusetts, and was continued, after his death, by Representative Cable of Ohio.

The Cable Act, passed by the Congress in 1922, was intended to establish equal rights in nationality, but it was found that certain amendments were needed to accomplish this end. In 1930, and again in 1931, equalizing amendments were passed by the Congress. The present bill would remove the last remaining discriminations against women in our nationality laws.

The remaining discriminations which would be removed by the passage of the equal nationality bill are:

1. Denial of the right of the mother to transmit nationality to the minor child born abroad of an alien father. The father now has this right, under jus sanguinis (right derived by blood relationship as opposed to jus soli, right derived by place of birth). Women certainly have the same blood relationship to their child as the father has.

2. Denial of the right of the husband to renounce citizenship on the same terms as the wife, upon marriage to an alien. This right is equalized by the present bill.

3. Denial of the right of the alien woman to transmit nationality to her minor children upon her own naturalization, on the same terms that an alien father can transmit nationality to them by his own naturalization. The present bill equalizes this right.

4. Denial of the right of the alien husband of an American wife to acquire nationality on the same terms that an alien wife can be naturalized. The present bill would equalize this right by declaring that a residence of 3 years is required of an alien spouse of an American citizen before he or she can be naturalized. This lowers the residence requirement by 2 years for the alien husband and raises it by 2 years for the alien wife.

5. A few minor discriminations in the present law would also be repealed by this bill.

A. At present the widow of a foreign man who has died before completing his naturalization may receive credit for the steps her deceased husband had taken, and proceed from that point to naturalize herself. Inasmuch as the naturalization of women is no longer derived through the naturalization of the husband, that part of the law would be repealed by the present bill.

B. At present, when a foreign man who has taken out his naturalization papers becomes insane, his alien wife can proceed to her own naturalization with credit for the steps previously taken by her insane husband. For the reason stated above, this provision of the law would be repealed by the present bill.

C. The remaining amendments are pro forma, to eliminate matter outlawed by the present bill if passed.

The equal nationality bill, as submitted by women, consisted of provisions on the above points which merely equalize the existing law, in order to establish at every point the principle of equal nationality rights between men and women citizens. The House Committee on Immigration and Naturalization, in its judgment, decided to make, at the same time, certain changes in the laws themselves. On these changes women are taking no stand. They are matters for the Congress to decide upon. The general principle of equality in nationality is what women seek to establish. Women feel that the fundamental principle of equality in nationality should not be sacrificed to differences of opinion on these committee amendments.

ANSWERS TO OBJECTIONS

Objections have been raised to this principle of "equality in nationality" on the ground that "no first-class power has ever established by its statutes 'equality of citizenship'", and "every other nation holds that a married woman takes her husband's nationality, and a child takes the nationality of his father."

It is further stated that "no first-class power, in the years since we adopted the Cable Act, in 1922, has ever followed our experimental step to assert that diversity of citizenship within the family is a proper principle."

Taking the last objection first, the fact is that, since 1922, the following nations have recognized the propriety of that principle by radically amending their nationality laws toward giving women equality of citizenship in their own right: Great Britain, Canada, France, Spain, Norway, Sweden, Denmark, Finland, Iceland, Belgium, Estonia, Rumania, Jugoslavia, Turkey, China, Persia, and Albania. Great Britain, in November 1933, followed the lead of Canada (in 1932) in granting to its women the absolute right to retain their British nationality in certain circumstances on marry-

ing an alien. Many nations had recognized this right prior to action by the United States in 1922.

The constant trend of world legislation on nationality is toward the full recognition of the right of equality in nationality for both men and women.

Argentina, Chile, Paraguay, Uruguay, and the Soviet Union have already fully equalized nationality rights in all respects between men and women.

The Equal Nationality Treaty, recently signed by all the 21 states of the Pan American Union, at Montevideo, will, when ratified, give full equality on all matters pertaining to nationality, including naturalization and immigration, to the men and women of the Pan American Union.

As to the objection that "every other important nation holds that a child takes the nationality of his father", the following 13 countries—Argentina, Chile, Colombia, Dominican Republic, Ecuador, Nicaragua, Panama, Paraguay, Peru, the Soviet Union, Turkey, Uruguay, and Venezuela—give to the mother absolutely equal rights with the father to transmit nationality to the minor legitimate child.

As to the statement that "every other nation except the United States holds that the wife takes the nationality of her husband", as a matter of fact, only 22 of the 77 principal countries of the world—Afghanistan, Bolivia, Czechoslovakia, Germany, Australia, British India, Irish Free State, Newfoundland, New Zealand, South Africa, Haiti, Hedjaz, Honduras, Hungary, Iraq, Lichtenstein, Luxembourg, Netherlands, Palestine, San Marino, Transjordania, and Vatican City, but in several of these countries laws giving men and women equal nationality rights are now being drafted by their governments—compel their women citizens to assume the nationality of their alien husbands under all circumstances. None of them are classed among the great powers.

Of the remaining 55 countries of the civilized world, 14 countries—the United States, Argentina, Brazil, Chile, China, Colombia, Cuba, Liberia, Panama, Paraguay, Peru, Uruguay, Turkey, and the Soviet Union—give their women citizens the absolute right to retain their nationality under all circumstances on marriage to an alien.

Six more countries—Albania, Belgium, Estonia, Guatemala, Rumania, and Jugoslavia—give a woman citizen, on marriage to an alien, the right to retain her nationality if she takes legal action to preserve it.

In the remaining 35 countries—Andorra, Austria, Bulgaria, Canada, Costa Rica, Danzig, Denmark, Dominican Republic, Ecuador, Egypt, Ethiopia, Finland, France, Great Britain, Greece, Iceland, Italy, Japan, Latvia, Lebanon, Lithuania, Mexico, Monaco, Nicaragua, Norway, Persia, Poland, Portugal, El Salvador, Siam, Spain, Sweden, Switzerland, Syria, and Venezuela—women citizens lose their nationality on marriage to an alien only under certain circumstances.

As to the problem of dual nationality raised as an objection to the equalization of our own laws, it is of interest to note that of the 58 countries which automatically confer citizenship on alien women who marry their nationals, more than half of them give their own women the right to retain their own nationality on marrying aliens. Dual nationality is a problem that can be settled only by treaty action between nations, but the fact that this complication exists—for men as well as women—is no fair reason for any country, under its own laws, to deny justice and equality to women.

[Here the gavel fell.]

Mr. TAYLOR of Tennessee. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this measure, H.R. 3673, comes before us today with the unanimous approval of the Committee on Immigration and Naturalization and the unanimous vote of the Rules Committee.

Mr. COX. Mr. Chairman, will the gentleman yield there?

Mr. TAYLOR of Tennessee. I yield.

Mr. COX. The gentleman is in error in his last statement. While I did commit the error that so many of us commit, in committing myself to the support of this proposition before I knew anything about it, but between the time I made that commitment and the time the Rules Committee took action, I obtained some information and was impressed with the absurdity of the proposal. I happened not to be present at the meeting of the Rules Committee and did not vote. If I had been there, of course, I would have voted against giving a rule for the consideration of this monstrosity.

Mr. TAYLOR of Tennessee. I based my statement on the declaration made by the Chairman of the Rules Committee on the floor of the House yesterday. I assumed, of course, that that statement was correct.

Mr. BANKHEAD. If the gentleman will pardon me, I did not make that statement. The gentleman from New Jersey [Mr. LEHLBACH] is the one who made the statement.

Mr. TAYLOR of Tennessee. My recollection is that the gentleman from Alabama made the statement also.

Under existing law citizenship by birth outside of the United States is derived only through the American father. This is manifestly an unjust discrimination against American motherhood.

It seems to me that in view of the fact that 14 years have elapsed since we granted the voting franchise to American women, and 12 years have passed since the passage of the Cable Act, it is now proper that we confer upon our American women the same right enjoyed by American men in the transmission of nationality to their minor children.

Section 1993 of the Revised Statutes reads:

All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States.

This bill which we are considering today adds the word "mothers." If it has been deemed wise that the protection and privileges of our Government should be extended to the children of American fathers, it would seem to be extraordinary that the same principle should not apply to the children of American mothers since certainly the mother more than any one else stands in closest relationship to her child.

The remainder of the bill seeks to remove minor discriminations in the field of nationality in order to conform to the general principle of equality in nationality. It is a pleasure to me to go on record today in support of the contention of the proponents of this measure that in this day and age, on a continent that has for years been consecrated to justice we include women in the provisions of an act that has been already satisfactorily tested.

This measure has the enthusiastic endorsement and support of the following women's organizations: The General Federation of Women's Clubs, the National Federation of Business and Professional Women's Clubs, the National Association of Women Lawyers, the National Council of Jewish Women, the National Women's Party, the National Zonta Club, the National Association of Women's Physicians, the National Association of Women Real Estate Operators, the Women's International League for Peace and Freedom, the Southern Women's National Democratic Association, the National Soroptimists, and by many smaller organizations of women as well as by practically all the women leaders in the county.

Recognizing the common justice of the principle involved, it is with very great pleasure that I support the resolution and vote for the bill. [Applause.]

[Here the gavel fell.]

Mr. TAYLOR of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. MILLARD].

Mr. MILLARD. Mr. Chairman, as a member of the Committee on Immigration and Naturalization, I am delighted to support this measure with the greatest power I possess.

The Committee on Immigration and Naturalization, of which I am a member, had H.R. 3673 referred to it, to amend the law relative to citizenship and naturalization, and for other purposes.

We have given the same most careful consideration and the committee has reported the same to the House with certain amendments and has recommended that the bill do pass.

There has been some discussion that the dual nationality will complicate the matter of class. It is a fact, however, that this would not make any additional complication but would just give to mothers the same rights as to fathers.

Immediately after the enfranchisement of women in 1920 it was recognized that a next necessary step for the removal of the stigma of unequal citizenship between men and women was the equalization of nationality rights for all citizens of the United States.

Work toward this end was begun by the late Representative John Jacob Rogers, of Massachusetts, a distinguished Member of this House and husband of our present colleague, Mrs. ROGERS, and was continued after his death by Representative Cable, of Ohio.

The Cable Act, passed by the Congress in 1922, was intended to establish equal rights in nationality, but it was

found that certain amendments were needed to accomplish this end. In 1930, and again in 1931, equalizing amendments were passed by the Congress. The present bill would remove the last remaining discriminations against women in our nationality laws.

The remaining discriminations which would be removed by the passage of the equal nationality bill are:

First. Denial of the right of the mother to transmit nationality to the minor child born abroad of an alien father. The father now has this right, under jus sanguinis—right derived by blood relationship—as opposed to jus soli—right derived by place of birth. Women certainly have the same blood relationship to their child as the father has.

Second. Denial of the right of the husband to renounce citizenship on the same terms as the wife, upon marriage to an alien. This right is equalized by the present bill.

Third. Denial of the right of the alien woman to transmit nationality to her minor children upon her own naturalization, on the same terms that an alien father can transmit nationality to them by his own naturalization. The present bill equalizes this right.

Fourth. Denial of the right of the alien husband of an American wife to acquire nationality on the same terms that an alien wife can be naturalized. The present bill would equalize this right by declaring that a residence of 3 years is required of an alien spouse of an American citizen before he or she can be naturalized. This lowers the residence requirement by 2 years for the alien husband and raises it by 2 years for the alien wife.

Fifth. A few minor discriminations in the present law would also be repealed by this bill.

At present the widow of a foreign man who has died before completing his naturalization may receive credit for the steps her deceased husband had taken, and proceed from that point to naturalize herself. Inasmuch as the naturalization of women is no longer derived through the naturalization of the husband that part of the law would be repealed by the present bill.

At present when a foreign man who has taken out his naturalization papers becomes insane his alien wife can proceed by her own naturalization with credit for the steps previously taken by her husband. For these reasons this provision of the law would be repealed by the present bill.

The remaining amendments are pro forma, to eliminate matter outlawed by the present bill if passed.

A suggestion was presented to me yesterday by the gentleman from New York [Mr. TABER], who believes that these children, upon becoming 21 years of age, should take an oath of allegiance. I agree with this suggestion and I hope the Chairman will also agree to an amendment providing that within 6 months or some other reasonable time after becoming of age, they shall take an oath of allegiance, because I can see where such a child might not have the best interests of this country at heart and not be willing to take the oath of allegiance and perhaps would become a bad citizen.

The equal nationality bill, as submitted by women, consisted of provisions on the above points which merely equalize the existing law, in order to establish at every point the principle of equal nationality rights between men and women citizens. The House Committee on Immigration and Naturalization, in its judgment, decided to make, at the same time, certain changes in the laws themselves. The general principle of equality in nationality is what women seek to establish. Women feel that the fundamental principle of equality in nationality should not be sacrificed to differences of opinion on these committee amendments.

The United States has taken a stand before the world for equality in nationality. We have five times announced to the world our support of equality between men and women in nationality—once, in 1930, in a vote by the United States delegation, acting under instructions from President Hoover, at the World Conference on the Codification of International Law at The Hague; once again in the same year, in a vote by the House of Representatives; once, in 1931, in a letter from former Secretary of State Stimson, to the League of Nations, and once, in 1932, in a second letter from the Secretary of State to the League, and once, last year, December 1933, when the United States under the Secretaryship of Mr. Hull signed a nationality treaty at Montevideo.

The party to which I belong has always stood before the world for equality in nationality.

The United States delegation at the World Conference on Codification of International Law, The Hague, voted for equality in nationality in April 1930.

In March and April 1930 the first World Conference on Codification of International Law was held at The Hague under the auspices of the League of Nations. At this Conference there was proposed a convention on nationality which discriminated against women. The United States delegation, acting under instructions from the President, voted against this discriminatory convention. One of the grounds given by the Acting Secretary of State for the opposition of our Government to the convention was:

> We do not in our laws make differences—or make few or relatively unimportant differences—as to rights of men and women in matters of nationality. (Statement issued by Acting Secretary of State, Apr. 15, 1930.)

This House endorsed the vote of the United States delegation at The Hague in support of equality in nationality in May 1930.

Following the vote of the United States delegation at The Hague, the House of Representatives again on May 21, 1930, adopted a resolution, introduced by my distinguished colleague, HAMILTON FISH, Jr., of New York, commending the vote of the United States representatives at The Hague against the proposed nationality convention discriminating against women. This resolution read:

> That the Congress of the United States of America expresses its approval of the action of the United States delegation at The Hague Conference, 1930, on the Codification of International Law in voting against the "Convention on certain questions relating to the conflict of nationality laws"; and
>
> That it is hereby declared to be the policy of the United States of America that there should be absolute equality for both sexes in nationality, and that in the treaties, law, and practice of the United States relating to nationality there should be no distinction based on sex.

And recently at Montevideo the United States, in December 1933, signed an equal nationality treaty declaring there would be no distinction on account of sex in law or practice in regard to nationality.

The passage of the equal nationalities bill, H.R. 3673, would bring the United States law on nationality into harmony with the declared policy of the Government upon this subject.

The enactment into law of the equal nationality bill would remove all of the discriminations against women in nationality and would place men and women on a basis of complete equality in this field. Not only would the passage of this measure be a long-delayed act of justice but it would bring the United States law on nationality into harmony with the principles which the Government has repeatedly proclaimed at home and abroad.

The bill had careful consideration by the committee, and both Secretary Hull and Secretary Perkins have now withdrawn their objections to the bill.

Someone has said that it is a bill to add to and increase the complexities of nationalities. That is not true, as this bill does not complicate nationality but simply adds the word "mother" and gives her the same rights as a father.

The aim of the bill is to confer upon a child born abroad of an alien father and an American mother, citizenship. This meets with the hearty approval of any thinking person as it only does justice and grants equality.

Objections have been raised to this principle of "equality in nationality" on the ground that "No first-class power has ever established by its statutes 'equality of citizenship'", and "every other nation holds that a married woman takes her husband's nationality, and a child takes the nationality of his father."

It is further stated that "No first-class power, in the years since we adopted the Cable Act, in 1922, has ever fol-

lowed our experimental step to assert that diversity of citizenship within the family is a proper principle."

Taking the last objection first, the fact is that, since 1922, the following nations have recognized the propriety of that principle by radically amending their nationality laws toward giving women equality of citizenship in their own right: Great Britain, Canada, France, Spain, Norway, Sweden, Denmark, Finland, Iceland, Belgium, Estonia, Rumania, Jugoslavia, Turkey, China, Persia, and Albania. Great Britain, in November, 1933, followed the lead of Canada (in 1932) in granting to its women the absolute right to retain their British nationality in certain circumstances on marrying an alien. Many nations had recognized this right prior to action by the United States in 1922.

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As to the statement that "every other nation except the United States holds that the wife takes the nationality of her husband"—as a matter of fact only 22 of the 77 principal countries of the world—Afghanistan, Bolivia, Czechoslovakia, Germany, Australia, British India, Irish Free State, Newfoundland, New Zealand, South Africa, Haiti, Hedjaz, Honduras, Hungary, Iraq, Lichtenstein, Luxembourg, Netherlands, Palestine, San Marino, Transjordania, and Vatican City, but in several of these countries laws giving men and women equal nationality rights are now being drafted by their governments—compel their women citizens to assume the nationality of their alien husbands under all circumstances. None of them are classed among the great powers.

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As to the problem of dual nationality, raised as an objection to the equalization of our own laws, it is of interest to note that of the 58 countries which automatically confer citizenship on alien women who marry their nationals, more than half of them give their own women the right to retain their own nationality on marrying aliens. Dual nationality is a problem that can be settled only by treaty action between nations, but the fact that this complication exists—for men as well as women—is no fair reason for any country, under its own laws, to deny justice and equality to women.

Mr. DICKSTEIN. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. CANNON].

Mr. CANNON of Missouri. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes out of order.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for 10 minutes out of order. Is there objection?

Mr. DICKSTEIN. Mr. Chairman, I yielded 3 minutes to the gentleman from Missouri. His request is to speak 10 minutes out of order. Only 3 minutes of that 10 should be taken out of my time.

The CHAIRMAN. The gentleman from Missouri is recognized for 3 minutes.

Mr. CANNON of Missouri. Mr. Chairman, I ask unanimous consent to speak out of order on a matter of general interest for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none.

Mr. CANNON of Missouri. Mr. Chairman, we have established many new records in this session of Congress, and one of them in particular is deserving of more than passing attention.

From time immemorial we have operated the House restaurant at a loss. Every year the Committee on Accounts has reported to the House, and charged to the contingent fund, an annual deficit of from $25,000 to $40,000 in the maintenance of the restaurant. And the loss in the operation of the Senate restaurant has run as high as $80,000 for one session.

I had the honor to serve as a member of the Committee on Accounts at one time, and it seemed so unreasonable to lose this large sum in the operation of the restaurant, notwithstanding the fact that we paid the highest prices charged anywhere in Washington for similar services, that I insisted on having the books audited by a certified public accountant. The accountant checked the books from every possible angle, and in the course of his examination reported the amount made or lost on each article of food served in the restaurant. His audit showed that we lost money on everything we served except soup and coffee, so I offered a motion that we serve only soup and coffee. [Laughter.] Unhappily, my motion was not entertained, and we have continued to lose money at every session of Congress until the present Chairman of the Committee on Accounts, the gentleman from North Carolina, Mr. LINDSAY C. WARREN, assumed charge of the committee and the restaurant.

I rise this morning to call attention to the report recently filed by Chairman WARREN showing that for the first time in the history of the committee's management of the restaurant it has paid all expenses and made a slight profit, notwithstanding the fact that it has rendered better service and charged more moderate prices than ever before within my recollection. So it occurs to me, Mr. Chairman, in view of this remarkable and unprecedented record, that some of the executive departments which are struggling to overcome chronic deficits might very well enlist the efficient services of the gentleman from North Carolina [Mr. WARREN] with credit to themselves and profit to the Government. [Applause.]

Mr. Chairman, the Seventy-third Congress will be remembered for many notable accomplishments, but for one especially notable achievement which will be recalled when all others are forgotten—the completion in this session of the parliamentary revolution begun in the Sixtieth Congress. In that Congress, and the preceding Congresses under the administrations of Speaker Reed and Speaker Cannon, the Speakership had attained such preeminence as to overshadow the Presidency itself. The Speaker dominated every function of the House. No measure, however important or however trivial, could be so much as considered without his approval. And as the power of the Speaker was enhanced, the influence of the individual Members of the House declined in proportion, until Speaker Cannon held even his party colleagues in such slight esteem politically that Representative Victor Murdock, of Kansas, writes that he was accustomed to pass them in the corridors and cloakrooms

without so much as deigning to acknowledge their greetings. And Champ Clark, of Missouri, relates that when he was introduced to Speaker Reed on his election to the House and mentioned the name of his predecessor who had served the previous 4 years in the House, Speaker Reed said he was unable to recall ever having heard of him.

The revolution of 1910 deprived the Speaker of many of his powers, but as it made no provision for the exercise of such powers by the organized membership of the House, they passed largely to small groups selected and controlled by the Speaker, and the effect was to supplant a despotism with an oligarchy through which the Speaker, with the aid of unofficial kitchen cabinets chosen by himself, still governed the House with little regard for the great body of its Membership.

It remained for two great men—by a singular coincidence from the same State—to complete the work begun in the Sixtieth Congress and return control of the House to its membership, as contemplated by the Constitution. On the other side of the aisle the change was effected by James R. Mann, of Illinois, characterized by Speaker Clark as knowing more about House procedure than any other man who ever sat in the American Congress, and named by Asher Hinds, of Maine, as his most valued consultant in the preparation of Hinds' Precedents. In the Republican conference of the Sixty-sixth Congress Mr. Mann secured the adoption of the plan under which the policies of the party—formerly dictated by a small coterie of the Speaker's lieutenants—were determined by a steering committee elected in the conference and geographically representative of the party. This system, preserving the rights of the individual Member and insuring the adoption of policies responsive to the will and sentiment of the country as expressed through its Representatives in Congress, has proven so effective and so satisfactory that it has been readopted in every succeeding Congress and is the system so ably maintained and administered today by the great leader of the minority, the distinguished gentleman from New York [Mr. SNELL].

On this side of the aisle the reform proceeded more slowly, and it was not until this Congress that we were able to secure the adoption of a similar provision completing the transfer of the control of party policies from the Speaker's antechamber to the floor of the House. Speaker RAINEY, another Illinoian, introduced in the Democratic caucus and secured the adoption of a resolution providing for the election of a similar steering committee by the Democratic caucus to which are referred questions of party polity and expediency. Already the high character of the men elected to the committee, the reflection through them of the attitude and sentiments of their constituent colleagues, the facility with which they have transmitted administration views on which a plebescite was desired, and especially the ready cooperation which they have enlisted in support of administration measures, has more than justified this long-delayed reform. Through these elective party committees, subject to recall at will, the newest Member of the House may express his views and register his wishes as effectively in the formulation of party programs as the oldest Member of the House, or the highest ranking member of its most important committee. No longer can a Speaker of the House say, as in the past a Speaker has said, in reaching out for unconstitutional authority through the unwarranted exercise of the prerogatives of that high office, that the House is too large and unwieldly a body to permit consultation with the rank and file of its membership in the determination of party policies or, as another Speaker said, that actual participation by the average Member in the legislative functions of the House is an admirable theory but wholly impracticable.

When George III came to the throne the English Crown had long before become a mere figurehead in the actual government of the realm; but, prompted by the insistent admonition of his mother, "Be King, George; be King", he spent his life in a disastrous and futile effort to reestablish despotic power. Many Speakers have been urged by sycophantic satellites, "Be king, Mr. Speaker; be king", and some Speakers have listened to the siren suggestion, always at the expense of the prerogatives of the House and the liberties of the people, and with the ever-present possibility of control by sinister interests seeking special privilege. The adoption of these reforms by the party organizations of the House effectually preclude such usurpation of power and constitute a divisional milestone in the evolution of representative government.

But, Mr. Chairman, when the parliamentary annals of this Congress are finally written, Speaker RAINEY's place in history will be fixed, not so much by his institution of this epoch-making reform as by the probity and impartiality of his interpretation of the law of the House and his enforcement of the letter and spirit of its rules of procedure. There have been Speakers whose ruthless disregard for established procedure amounted to parliamentary piracy. I recall decisions in which a Speaker, in order to serve the petty partisan exigency of the moment, violated the law as laid down in express decisions by his three immediate predecessors.

It was for Champ Clark, of Missouri, and Frederick H. Gillett, of Massachusetts, two outstanding parliamentarians, whose terms fortunately supplemented each other, to first divorce the judicial functions of the Speakership from the partisan requirements of party leadership. While the scientific codification of the rules was completed under Reed and Cannon, neither hesitated to sacrifice precedent or consistency to party needs when occasion required. And party majorities sustained them on appeal. But a careful perusal of the opinions rendered by Clark and Gillett fails to disclose a single instance in which either of them subordinated principle to opportunism.

Expressing his conviction on the subject, Speaker Clark said in one of his early decisions:

> I would rather have it said of me, when I have finally laid down the gavel, that I was the fairest Speaker than that I was the greatest. No Speaker can afford to render a decision for temporary benefit to his party fellows.

The philosophy which these two great Speakers expressed and practiced in their rigid adherence to stern and exact justice in interpretating the law of the House had been well exemplified by the immortal Bard of Avon when, 300 years before, Bassanio had urged:

> And I beseech you wrest the law to your authority; to do a great right, do a little wrong, and curb this cruel devil of his will.

And Portia replied:

> It must not be; * * * 'twill be recorded for a precedent, and many an error by the same example will rush into the state.

Speaker RAINEY, by his adherence to these splendid traditions, by his scholarly knowledge of the rules and procedure of the House, his keen analysis and equitable solution of the parliamentary problems presented, and especially his wise and impartial administration of the exacting duties of the Speakership, ranks as one of the ablest of the long line of able men who have served in that great office. [Applause.]

The next Congress promises one of the most momentous sessions in the history of the Nation. Complicated and bitterly contested issues vitally affecting the standard of living of every American citizen and involving the very perpetuity of the Republic itself must be taken up, and their disposition challenges the capacity of the wisest and most patriotic statesmen. But great crises have always produced great men to meet and master them, and with Speaker RAINEY in the chair and the able and resourceful gentleman from Tennessee [Mr. BYRNS], who has so successfully piloted the administration's program on the floor in this Congress as majority leader [applause], the House and the country may look forward to the Seventy-fourth Congress with confidence and enthusiasm. [Applause.]

The warm and unconditional approval and endorsement of their leadership expressed by President Roosevelt, as reported in this morning's papers, insure a continuation of the close cooperation between the executive and legislative branches of the Government in the coming Congress,

and with it the successful solution of every national problem and the speedy return to national prosperity. [Applause.]

Mr. Chairman, in this connection I am constrained to also refer to two other men who have rendered exceptional service in this Congress. By a further coincidence they also are from the same State.

One of the key men in the working organization of the House is the Chairman of the Committee on Appropriations. He holds the purse strings of the Nation and supervises the appropriation of every dollar spent by the Federal Government. As a matter of fact he is probably as important a factor in the Government as any other man in the Congress. The present Chairman of the Committee on Appropriations, the gentleman from Texas [Mr. BUCHANAN] has made a record in that position in this Congress which is without parallel in the 145 years since the adoption of the Constitution. [Applause.] He has reduced the cost of operating the Government from the peak of peace-time appropriations more than 40 percent for the coming fiscal year.

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

Mr. CANNON of Missouri. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CANNON of Missouri. Mr. Chairman, in 1932 we appropriated for the maintenance of the executive departments $3,454,933,066.07. In the supply bills which have passed the House at this session we are providing for the same purpose $2,178,524.905.94. In other words, under the administration of the present Chairman of the Committee on Appropriations, we are reducing Government expenditure from a round figure of three and a half billion dollars to approximately $2,000,000,000, an annual saving of something like a billion and a half dollars—and the Government is being better served than ever before. The entire Nation is indebted to Chairman BUCHANAN for that remarkable accomplishment. The times demand economy in government, and the gentleman from Texas is supplying it most effectively. [Applause.]

Mr. Chairman, no reference to the personnel of this Congress would be complete without mention of the other of the two brilliant Texans to whom I have just referred. It has been my privilege to serve in various capacities on the floor of this House for 23 years this month. In that time I have observed no Member who has rendered abler or more conscientious service than the gentleman from Texas, Judge BLANTON. In the legislation which he has supported, in the legislation which he has opposed, and especially in the vast sums of money which he has saved the Federal Treasury, no Member of the House in the last quarter of a century has surpassed the wise and courageous and resourceful gentleman from Texas, THOMAS L. BLANTON. [Applause.] And speaking in behalf of the people of my State—and expressing, I am certain, the sentiments of those of every other State in the Union—I desire to thank the citizens of the Seventeenth District of Texas for sending Judge BLANTON here and keeping him here all these years. His services to the House and to the country have been invaluable. [Applause.]

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

Mr. CANNON of Missouri. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD and to include therein an excerpt from the preface to the forthcoming second edition of the Supplement to Hind's Precedents, now in the press.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CANNON of Missouri. Mr. Chairman, under the authorization granted, and in connection with my remarks just made, I include the following:

The period covered most intimately by the Precedents had witnessed the rise of the Speakership to a position of commanding influence. In the last years of the nineteenth century especially, when turbulent minorities welded their historic functions of criticism and protest into ruthless instruments of obstruction, the power of the Speaker, necessarily enhanced to meet the emergency, approached absolutism. Fostered by the arbitrary exercise of the power of recognition by Speaker Carlisle, supplemented by utilization of special orders under Speaker Crisp, the growing ascendancy of the Speakership was further augmented under Speaker Reed and reached its flower under Speaker Cannon. Entrenched behind the power to appoint committees, with authority to extend or refuse control of the floor, sitting as chairman ex officio of the Committee on Rules, and exercising the right to count a quorum or declare a motion dilatory, the Speaker became an arbiter from whose decisions in chambers there was no appeal. So autocratic was the power of the Speakership that contemporary historians characterized the office as "second in power only to the Presidency",[1] or considered the Speaker of the House as "more powerful than the President of the United States."[2] Such was the situation at the opening of the Sixty-first Congress.

The reaction came with startling suddenness. Almost overnight the slowly accumulated prerogatives of the great office crumbled. Within 3 short years (1909–11) a bipartisan revolution swept away every vestige of extrajudicial authority. The power of recognition was circumscribed by the establishment of the Unanimous Consent Calendar, the Discharge Calendar, the provision for Calendar Wednesday, and by the restoration to the minority of the motion to recommit. The appointment of committees was lodged in the House, and the Speaker was made ineligible to membership on the Committee on Rules. Reference of bills to committees was standardized by rigid enforcement of the rules of jurisdiction; recalcitrant committees and managers of conference were rendered subject to summary discharge; and the determination of legislative policies and programs was delegated to party caucuses and steering committees. The tidal wave of reform culminated with the adoption of the rules for the Sixty-second Congress and Speaker Clark succeeded to an office which, aside from the outstanding position he occupied in his party, was hardly more than that of moderator.

The control of the House thus wrested from the Speaker has been more than maintained. Command has passed from the Chair to the floor, and the prerogatives of the Speaker have been jealously limited by the rules of each succeeding Congress. Administrative functions are vested in party caucuses and their all-powerful steering committees which meet as party boards of strategy and on occasion have been attended by the Speaker on invitation and not by right of membership.[3]

The restoration of the judicial character of the speakership is reflected both in the decisions of the Chair and in their reception by the House and by the country at large. Supported by citation of clearly defined and long-established principles of procedure as enunciated in the Precedents, the opinions of the Chair are no longer subject to the criticism of the press and the distrust of the minority which regularly featured sessions of Congress in former years. At liberty to disregard political considerations, and no longer under the onus of serving party interests, the decisions of the Speaker are judicial and academic rather than polemic and partisan, a change which has served to add distinction to the office and its incumbents.

At the same time the prestige of the House and its influence in legislation has been largely enhanced. Through the establishment of the Budget system and the concentration of the power of appropriation in a single committee, the House has strengthened its grip on the national purse strings. Its insistence on the observance of recognized rules of conference and the maintenance of its privilege in revenue legislation have further contributed to its influence. In the reenactment of the Holman rule in 1911, and the adoption of the amendment of 1920 interdicting fiscal legislation in conference, it has affirmed its primacy in the formulation of the supply bills and emphasized its constitutional prerogatives.

To recapitulate, the quarter century which has elapsed since the publication of the Precedents has witnessed a more radical amendment of the rules and a more fundamental change in the unwritten law of the House than any similar period since its establishment. It has been a period of change, not only in House procedure but in world relations, economic standards, scientific formulas, and every phase of human progress. A World War with its attendant problems, the adoption of constitutional amendments of far-reaching effect, the enfranchisement of women, the authorization of new bases of Federal taxation, increased membership of the House, decisions of the Supreme Court affecting the Congress and its powers, extensions of the activities of the Federal Government into new channels, and vast national readjustments have precipitated legislative proposals in such volume and

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[1] No one who looks beneath the surface of our national political system can fail to see that the Speaker is, next to the President, the most powerful man in the Nation, and that his influence increases.—Albert Bushnell Hart, The Speaker of The House of Representatives, p. xi.

This system in reality made him more powerful than the President of the United States; without his consent and assistance, legislation was practically impossible.—Brown, Leadership of Congress, p. 3.

[2] The President might recommend, but the Speaker dictated, legislation. He not only decided what legislation should be permitted, but he even shaped the form of that legislation to conform to his own personal ideals.—Fuller, The Speaker of the House, p. 269.)

[3] Speaker Gillett was not a member of his party's steering committee.

of a character so unprecedented in the practice of the House as to render a revision of the Precedents incorporating the modern practice indispensable.

Mr. DICKSTEIN. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR. Mr. Chairman, I am heartily in favor of this bill and was active in causing it to be reported by the Rules Committee. The Rules Committee held two extended hearings relating to this matter. We received communications from some of the governmental departments; and I had some personal communications with those departments in reference to its provisions.

I believe the principle of equality of sex set forth in this bill should have been enacted into law some time ago. I believe that the children of a male American citizen should not be entitled to any more recognition than the children of a female American citizen. For at least 150 years in this country we have proceeded on the contrary theory, however. It is time we abandoned the old theory.

Let me call the attention of the Committee to the bill in certain particular respects. Like other members of the Rules Committee, I felt that it would have been a very simple matter to have reported a bill from the Immigration Committee granting equality to both sexes in the matter of children born abroad, and that it could be done in about five lines. The Cable Act could have been amended to the effect that the children born of an American woman who was a citizen should have the same rights as the children born of an American man who was a citizen. That would have ended it; that would have accomplished the purpose of the bill; it would have accomplished what the women of this country so strenuously request.

This bill, however, contains some matters which do not pertain to the issue of equality of sexes. They pertain more properly to immigration legislation. In the first place, the proviso at the bottom of page 1, line 9, in my opinion, is grossly unfair. It is grossly unfair to single out any race and take away from it what the male members of that race now possess, their right to devolve citizenship upon their children; to take away from them existing rights. I can understand the argument of not further extending such rights, but the fact is that today the child of a Chinaman or a Japanese, born in this country, is an American citizen just as much as the child of an Italian, a Pole, an Irishman, or a German. The child is an American citizen, ipso facto, having been born in this country. Yet if that male child goes to China and has children, you take away from him rights he now possesses, while at the same time you are extending to the females of other races new rights to give birth to American citizens. I have no interest in the matter except to suggest that it seems grossly unfair.

Mr. MARTIN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. MARTIN of Oregon. Does the gentleman understand that the Chinese race bitterly resents this gross discrimination against them?

Mr. O'CONNOR. I think any race should resent the extreme principle of discrimination involved in this bill. We have always given them these rights, but this bill does the unusual thing of extending rights to other people while taking away existing rights of American citizenship of certain races.

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

Mr. O'CONNOR. I yield.

Mr. KRAMER. The gentleman understands, of course, there now exists a quota with respect to Chinese and Japanese entering the United States.

Mr. O'CONNOR. I understand, but this bill has nothing to do with quotas; it has nothing to do with the immigration of Chinese or Japanese; it just deprives them of rights they now have, while at the same time it gives additional rights to other races.

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

Mr. O'CONNOR. I yield.

Mr. HOEPPEL. Does the gentleman know that the San Francisco Chamber of Commerce is opposed to the very provisions to which the gentleman refers? And does the gentleman further know that we have distinctive posts of the American Legion composed of Chinese who served over there. If they return to China and marry and perchance have children, their children are denied the right to return to the United States with their parents.

Mr. O'CONNOR. And, of course, today, before this bill is enacted, those same children are American citizens.

[Here the gavel fell.]

Mr. DICKSTEIN. Mr. Chairman, I yield 3 additional minutes to the gentleman from New York.

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

Mr. O'CONNOR. Yes; for a brief question.

Mr. DIRKSEN. This bill, fundamentally, is an equality bill, and with due regard to those who proposed the bill, the provision to which the gentleman refers was not incorporated in the original draft of the bill.

Mr. O'CONNOR. That is what leads me to make the criticism I do. I am for the equality in this bill. I know the ladies are for it; but what I fear is that before the House finishes consideration of the bill the legislation may be turned into restrictive immigration legislation. I understand that one member of the committee will propose at least four amendments to this bill pertaining to immigration. Those amendments should not be in this bill, I respectfully submit to the committee and to the House. This bill should not be turned into a restrictive immigration bill. It should be maintained as a bill which has for its purpose the granting of equality between the two sexes.

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

Mr. O'CONNOR. I yield.

Mr. DICKSTEIN. I fear the gentleman is misinformed. The bill has nothing to do with the opening of quotas, with letting in anybody.

Mr. O'CONNOR. I know that is not the purpose behind the legislation, and I hope amendments are not adopted which will turn it into an immigration bill.

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

Mr. O'CONNOR. I yield.

Mr. WEIDEMAN. I am sure it is not the intention of the Committee on Immigration to turn it into such a bill, but that it will be kept within the scope of its purpose to grant equality in the matter of citizenship rights between the sexes.

Mr. O'CONNOR. I hope the committee will defeat such immigration amendments if they are offered, and I hope further that the House will eliminate this unfair and un-American provision on page 1.

Mr. TAYLOR of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. McGUGIN].

Mr. McGUGIN. Mr. Chairman, I make the same request as previously made by the gentleman from Missouri [Mr. CANNON], that I may speak out of order.

Mr. WEIDEMAN. Mr. Chairman, I shall have to object.

Mr. SNELL. Mr. Chairman, we have been very liberal on this side. The gentleman from Missouri [Mr. CANNON] asked to speak out of order for 10 minutes, and his time was extended twice in order to make a political speech to help some Members come back to this House. If the objection is insisted upon, we will not do very much more business here today. The gentleman from New York [Mr. SIROVICH] spoke for an hour yesterday. We are going to have a little fairness here.

Mr. DICKSTEIN. Mr. Chairman, do I understand that the time will be taken out of the time allowed for debate?

Mr. SNELL. Yes; we on this side have yielded the gentleman 10 minutes.

Mr. WEIDEMAN. Mr. Chairman, I withdraw my objection.

Mr. BANKHEAD. Mr. Chairman, in order to expedite the conclusion of this bill—and it is not my responsibility—I give notice that I shall object to any further requests of this sort.

Mr. FISH. Mr. Chairman, I asked yesterday for 5 minutes to speak on a nonpartisan matter, and it was generally

understood that I could have time under this bill. The subject is nonpartisan, and I should like to get 5 minutes when the time of those who want to speak on the bill has been exhausted.

Mr. O'CONNOR. What is the nonpartisan subject?

Mr. FISH. It is in reference to an article that appeared in an American monthly yesterday advocating revolt in the armed forces of the United States.

Mr. BANKHEAD. If the gentleman from New York can get time yielded from one side or the other, I shall not object to his speaking out of order, but I think we ought to go ahead under the time allotted for the consideration of this bill.

Mr. SNELL. This time is being yielded by the gentleman from Tennessee [Mr. TAYLOR] to the gentleman from Kansas [Mr. McGUGIN].

Mr. WEIDEMAN. I am anxious to get this bill passed, so I withdraw my objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas to proceed out of order for 10 minutes?

There was no objection.

Mr. McGUGIN. Mr. Chairman, yesterday the President proclaimed that the present program is evolution and not revolution, that the program is based upon planning, in brief, that planning is evolution and not revolution. Let us see what is the price which we must pay for planning. Professor Tugwell is admittedly the leader of the "brain trust" planners. It was upon Professor Tugwell that the President yesterday placed his stamp of approval by elevating him to the position of Under Secretary of Agriculture.

In December 1931, before the American Economic Association Professor Tugwell set forth the things we have to do in order to have a limited acceptance of the planning idea. According to the Tugwell formula, he prescribed: "We have a century and more of development to undo." He further stated, that there must be three great changes: First, changing statutes, constitutions, and government once and for all; second, destroying business as it has existed; and third, destroying the sovereignty of the States. After summing of these three requirements for planning, Professor Tugwell boldly and bluntly said:

> All three of these wholesale changes are required by even a limited acceptance of the planning idea.

Undoing a century and more of development, changing statutes, constitutions, and government once and for all, destroying American business as it has existed, and destroying the sovereignty of the States may not be revolution in the sense of blood running down the gutters of the streets, but as far as the Republic under the Constitution is concerned, it is as complete a revolution as if the Republic were replaced by force of arms.

From the "new dealers" we are learning much of ourselves and our forefathers which the most of us have not heretofore known. The most of us have thought that there was behind us a century and a half of progress and achievement, and the development of the greatest civilization the world has ever known. Yesterday the President referred to our past development as a nation that developed haphazardly. A few days ago Secretary Wallace referred to us as "sons of David, licentious and contentious." A few weeks ago in a speech at Chicago Secretary Ickes indicted the American civilization as having been developed by greed and selfishness. If the "new dealers" are right, then we should be grateful to a merciful God for 150 years of patience with the country of Washington, Jefferson, Jackson, Lincoln, Theodore Roosevelt, and Woodrow Wilson.

Yesterday the President advised the use of gray matter, "brain trust" or otherwise. Upon that statement we can all agree. The trouble is, as far as many of us are concerned, we do not have the vision or the brains to see where the use of gray matter is involved in placing a man in jail for making a living for his family by pressing pants for 35 cents a pair. We cannot see where gray matter is involved in one day enacting legislation which will put an American citizen in jail for raising cotton and on the next day reading the report in the press that Poland, a former purchaser of American cotton, has decided to cease purchasing American cotton and in the future purchase her cotton from Soviet Russia.

The Bankhead cotton bill provides for a tax which will confiscate any amount of cotton which a citizen produces in excess of the amount authorized by the Secretary of Agriculture, and then if he undertakes to escape the tax, the bill provides for sending him to the penitentiary. Remember, it is not a tax to support government. It is a shameful, tyrannical tax for the purpose of impoverishing the man who does not reduce his normal production of cotton by approximately 40 percent.

Recently George Farrell, in charge of the wheat allotments, in a speech at Pratt, Kans., was reported in the Hutchinson (Kans.) News of March 31 as saying:

> Our delicate task is to steer the price of wheat so that the man outside of the allotment makes no money and the man inside does.

Thus the power of government is being used to manipulate the wheat market and to rig the price of wheat so as to impoverish one citizen of the country and to enrich another. That may be evolution, but it is also sufficient revolution that the Government which carries out such a policy is not the Republic under the Constitution, which for over 150 years protected the equal rights of American citizens.

Yesterday David Cushman Coyle, another of the foremost "new dealers", spoke before the nurses' association and is reported as having said:

> Everything we were taught in school is exactly wrong. Thrift is no longer a virtue, saving for a rainy day makes it rain all the harder.

Maybe I am dumb and without vision or gray matter, but I still believe Benjamin Franklin was a smarter man than is Coyle. I still believe that a reprint and wide distribution of Poor Richard's Almanac would be of more service to the American people and this civilization than all the new-deal ballyhoo that has been or ever will be broadcast over the radio into the ears of the American people.

Following thrift and the wisdom of the ages has balanced the budget of England, is returning the unemployed to work in England, Canada, and other parts of the world, while following this new and strange philosophy of the "new dealers", which philosophy condemns all of our program of the past and promises a future which can neither be seen nor touched, but only visualized by those with the faith, has in 1 year's time increased the national debt approximately $5,000,000,000, or $40 for each man, woman, and child in the United States; all this in spite of the fact that the "new dealers" are now in office, elected by the people on a platform pledge promising a balanced Budget and a 25 percent reduction in the cost of government.

These remarks are in no sense personal criticism of the overwhelming majority of Democrats in both Houses of Congress. I know that at least 90 percent of the Democratic Members of this House are heartsick and weary of the day-by-day repudiation of all the fine traditions of the Democratic Party of Jefferson, Jackson, Cleveland, and Wilson. I realize the helplessness of the great majority of Democrats in Congress. They cannot criticize that which so many of them dislike without losing their patronage and thereby the support of their party organization. In their dilemma I do not criticize the great majority of Democratic Members of Congress; on the contrary, I commiserate them. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. TAYLOR of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS of Ohio. Mr. Chairman, I was very much interested in what the gentleman from New York [Mr. O'CONNOR] had to say with reference to the fact that this was not supposed to be an immigration bill. I was also very much pleased to hear those responsible for this measure on the Democratic side, members of the committee, state that this was not an immigration bill.

I should like to press the point home to you, if I may, that the purpose of the bill, as I understand it, is not to lay down

the bars in any way to admit additional immigrants. If I am wrong in this premise I should like to be corrected, because, as I stated a few days ago, I have been probably the principal opponent to this bill on this side of the House, and I should not want to withdraw my opposition if this brings in any additional immigrants. In times gone by I have opposed it strenuously, but I have never opposed it from the standpoint that it was an immigration measure, because I thought it was not an immigration measure. My opposition was based upon the fact that the Secretary of State's Office and the Secretary of Labor's Office were against it, claiming that it could not be administered. This is in line with the fear expressed by the gentleman from Georgia [Mr. Cox] when he asked certain questions a few minutes ago. He brought out the fact that he was afraid it would carry with it some very serious consequences in the way of administration.

The former Secretary of State thought it would be difficult of administration, and the former Secretary of Labor also thought it would. The present Secretary of Labor apparently thinks it will not, but just speaking for myself and not for anyone else, I do not think the present Secretary of Labor has ever done anything to indicate that she would, if she had a chance, put up the bars against an influx of immigrants, but rather her past record would indicate that she would let them down. To make myself clear, I would not be very much impressed with the opinion of the present Secretary of Labor, because her past record does not indicate that she would be very strict so far as restrictive immigration measures are concerned, but, on the contrary, it indicates clearly that it is not safe for those of you who in the past have prided yourselves on being restrictionists to rely on her. The present Secretary of State, I may say, and those who officiate with him, is just as strict and just as patriotic in that respect as anyone on either side of this House, and since they have taken the position that they do not find much opposition to this bill, and that it will administer reasonably well, and since it is purely a matter of administration, I felt it was not incumbent upon me to take the individual responsibility to oppose this measure, although I fail to bring myself to the position of being willing to proclaim its virtues from the housetops and to say it will work out well. If it is a question of administration, those whose duty it is to administer should know their duty and their capacity to discharge that duty. If it is not a question of immigration—if it is purely a question of administration—the Secretary of State has the responsibility, and I do not want to say he would not discharge this responsibility fairly in an American manner. I hope though that if this bill is passed that it will be administered in line with the sentiments expressed here today, that it will not infringe upon our quotas now established for immigrants.

Mr. McFADDEN. Will the gentleman yield?

Mr. JENKINS of Ohio. I yield to the gentleman from Pennsylvania.

Mr. McFADDEN. The gentleman spoke about increasing immigration. Is it not a fact that this measure will give citizenship to the children of an American woman married to a foreigner, whether he is British, German, or Italian?

Mr. JENKINS of Ohio. This bill does this——

Mr. McFADDEN. Is not that a fact?

Mr. JENKINS of Ohio. It might not give citizenship to their children in every case. Generally it would.

As I understand it here is where the most trouble is likely to come. If the father and the mother separate and both desire the custody of the child this might prove troublesome. Of course, an American woman can, if she wants to, go across the ocean and marry and start out on a program of raising children to bring them into this country and thereby build up the list of immigrants from some foreign country, but people do not usually marry with any ideas like that in mind. Let us take the thing as it comes to us in a reasonable way. There are extreme cases both ways. Here is an American woman living in America. Under the present law she marries a German and moves to Italy and a child is born, this child might be an Italian citizen if it chooses when it becomes old enough to make a choice, but until then it receives its citizenship from its father and will be a German. Under the proposed new law it might be either a German or an American for it may inherit citizenship from either. If we reverse the procedure and suppose that a German husband and an Italian wife should come to the United States on a trip and a child should be born here, that child is an American citizen if it stays here long enough so that it can exercise its choice, and it will always be an American citizen until it expatriates itself. But, if the German father and Italian mother get into the divorce court, what would be the outcome? Some civil judge would determine the custody of that child and such determination would probably end all the trouble so far as we might be concerned. I mean that we would probably not have to decide between Germany and Italy and it is extremely improbable that we would have any trouble about that.

If an American wife married to a German should go to Italy and a child should be born there and domestic troubles should occur, it is safe to assume there would be some civil court that would take care of the child in that case and would determine which parent should have the custody of the child. If that court should say the custody should go to the father, no doubt the father, being a German citizen, would take his child to Germany, if he wanted to do so, and the American woman, under the present law, could come back to America as she is still a citizen, but if the court should give her the child, she could not under the present law, transmit her citizenship to that child. Under the proposed law she would have the same right as the husband to transmit her citizenship to the child just as he did, and if the court should grant the custody of the child to her she could then bring it to the United States and it would have American citizenship.

What this bill does, under such circumstances, is to say that this American woman shall be free to bring this child back here just the same as the father of the child could do if he were an American citizen.

As I have said, I admit there are instances where this might be abused, but at present, according to my understanding there are very few cases to which this change will apply—many of these women who marry foreigners deserve no sympathy when they find they have bargained for a count and got a no account. Still there are, no doubt, some deserving cases. I am sure that some of the women who will find themselves in this predicament will be American cititzens of the best type, and under these circumstances the advocates of this bill claim that they should be able to bring their progeny back just the same as a man would be able to bring his children back to this country.

With respect to this bill, in good faith and on behalf of others vitally interested, I have exacted an understanding from members of the committee and those vitally interested, that there is going to be an amendment offered providing that before such can become an American citizen, it must come to the United States for permanent residence before it is 18 years of age and must reside in the United States for 5 years, so that it may become acquainted with our schools and institutions so as to be capable of espousing Americanism, and of being a real, good American citizen.

Mr. McFADDEN and Mr. DIES rose.

Mr. JENKINS of Ohio. I yield first to the gentleman from Pennsylvania.

Mr. McFADDEN. The gentleman is suggesting that this is not an immigration bill. I should like to ask the gentleman if it is not a fact that this bill takes citizenship away from women, and if it does take citizenship away, is not that prima facie evidence that this is an immigration bill?

Mr. JENKINS of Ohio. No; I do not think it takes citizenship from any woman whatever. I think it is in line with the Cable bills which have been passed heretofore and is in line with acts seeking to give uniform naturalization and citizenship privileges to the children of American women citizens.

Mr. McFADDEN. The proviso on the first page of the bill certainly does that.

Mr. JENKINS of Ohio. I cannot agree with the gentleman about that.

Mr. RICH. Will the gentleman yield?

Mr. JENKINS of Ohio. I yield.

Mr. RICH. Are we liable to get into any entanglements with foreign countries by enacting this measure into law and providing that a child although born in a foreign country can be given citizenship under this bill?

Mr. JENKINS of Ohio. Yes; we are liable to get into some entanglements, and that was the objection of the Secretary of State in times gone by.

Mr. McFADDEN. If the gentleman will permit, I want to correct the misuse of a word. I said "women" when I meant to say "child." If this proviso is enacted into law a child of an American woman who goes abroad loses its citizenship.

Mr. JENKINS of Ohio. I do not agree with the gentleman.

Mr. DIES. Will the gentleman yield?

Mr. JENKINS of Ohio. I yield.

Mr. DIES. The gentleman said something about an amendment which is to be offered. I wish to call the attention of the gentleman to the fact that under the bill as it is now written it carries an amendment which I offered in committee and which provides that the child has to come to the United States and reside here for 5 years. There is some doubt about whether or not the child has to complete its residence of 5 years prior to its eighteenth birthday; and I propose to offer a clarifying amendment requiring that every child, whether the father is an American citizen or not, shall have to reside 5 years in the United States in order to become an American citizen.

Mr. JENKINS of Ohio. I thought I understood that the proposed amendment——

[Here the gavel fell.]

Mr. TAYLOR of Tennessee. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. JENKINS of Ohio. I thought I understood the purpose of the amendment to be that the child should be here to familiarize himself with our institutions.

There is one provision of the bill that applies to immigration, and that is one of the repealing sections. It repeals a portion of the immigration laws. I am very pleased to be able to talk about this for the remaining time assigned to me.

Some of you will remember a nefarious law passed here over the protest of many of us 2 or 3 years ago. It was passed as a special law, and I have always been ashamed of it. It was passed expressly to admit into this country one individual woman. The immigration laws of the country were changed for the purpose of admitting this one individual woman. Ever since I have been a Member of this House I never have seen any legislation that was brought about purely by the power of money regardless of merit. I do not mean that this money was used in any illegal way, but this individual had enough to keep a lobby here for years and to lay carefully the foundations for a long fight. For several years this high-powered lobby hung around here and finally, by the power which can come only from such well-laid plans, it circumvented the law by the enactment of a special bill designed to meet only one case.

I am referring to the Ulrich bill, admitting one single individual woman, who married one of the descendants of the rich Borden-milk family.

That bill was opposed by many of us, but our opposition was not sufficient to prevent the passage of that bill.

This will repeal that law.

These are the facts upon which that law was enacted:

An American soldier after the war became enamored of a woman in Germany who had a criminal record and could not meet the requirements of the immigration laws. Before the marriage this man made inquiry of the American authorities whether she could be admitted if he married her and was advised that she could not. He defied the authorities and married her, and then sought to bring her in as his wife. Her criminal record barred her.

The law was amended so that if an American soldier, honorably discharged, who had married a woman a citizen of a foreign country wished to bring her to America he could do so if it appeared that the only charge against her was for larceny committed before she reached her majority, and the sentence for which was for less than 3 months, and which crimes had been committed more than 5 years. The exceptions are all made to fit this one individual case.

I am glad that somebody had an idea of fairness and wants to repeal this shameful legal monstrosity.

So I say, as far as I am able to find out, this bill has no effect on immigration. It does not let down the bars. I reserve the right to say that, although I do not expect to oppose this measure, I will oppose it if anybody can show me that it is letting down the bars. I have never been in favor of letting down the bars and I am not now. I have always opposed letting down the bars, and I oppose it now. I am not trying to keep the women from accomplishing what they want, although I think that this is not nearly so important a measure as they seem to think it is. I think the women have used much more energy in pressing this measure than it deserves.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. JENKINS of Ohio. I yield to the gentleman from New York.

Mr. DICKSTEIN. The gentleman made a statement about the Secretary of Labor. I do not think that she has violated any law.

Mr. JENKINS of Ohio. The gentleman is not asking a question. I do not want to argue with him. We cannot agree upon that at all. I made my statement, and I am entirely satisfied with it.

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

Mr. JENKINS of Ohio. Yes.

Mr. FULLER. Does not this bill provide that if an American woman should marry a Frenchman and raise four or five children they can become American citizens if they come over here before they are 18 years of age and stay here for 5 years—not, as the gentleman says, 5 years before they become 18 years of age? The language of this bill does not say that.

Mr. JENKINS of Ohio. The gentleman was not present when the gentleman from Texas said that they would offer an amendment to clarify that language, so that there will be no misunderstanding about it.

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

Mr. DICKSTEIN. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. DUNN].

Mr. DUNN. Mr. Chairman, I am under the impression that the American Federation of Women's Clubs have endorsed this measure. I believe the American Federation of Women's Club know what they are talking about when they say that the women of our country do not get a square deal. Therefore, Mr. Chairman, this bill should be enacted into law because it will give American women the rights that they are entitled to.

Mr. DICKSTEIN. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. HOEPPEL].

Mr. HOEPPEL. Mr. Chairman and Members of the Committee, I doubt whether there is any Member of this House who will oppose this bill because of the provision contained therein pertaining to equal rights, but I should like to see the women of America who are so much and honestly interested in obtaining equal rights interest themselves more actively in the welfare of their sisters in our own country.

In the latest available census it is shown that 7,041,841 unmarried women and 3,710,302 married women are employed. To be more specific, for every two single women employed, there is at least one married woman holding a position of some sort in our industrial life. Inasmuch as there must be a million or more unemployed single women

in the United States, it would seem that women's organizations could best serve the interests of their sisters now if they would use their influence in urging Congress to enact legislation which would prevent the needless employment of married women while the list of unemployed single women maintains this huge proportion. The needless employment of married women, causing as it does untold suffering, deprivation, and other distress to single women unemployed appears to me as a more paramount issue for consideration by the various women's clubs than does the granting of equality of citizenship to a comparatively small number, as proposed in this bill, undeniably meritorious as it is.

The latest census yields further statistics significant in an analysis of our unemployment problem. There are 3,281,687 foreign-born men and 3,002,926 foreign-born women now residing in the United States who, in many instances, are taking jobs which rightfully belong to our own citizens. No one should criticize a foreigner, legally in our country, who is law-abiding and who intends to take out United States citizenship. But included in these totals of more than 6,000,000 aliens residing in this country, it is safe to assume that 1,000,000 or more have no intention of becoming citizens of the United States. I think that our American women should aggressively interest themselves in the welfare of the families of America by urging laws to be enacted which will deport from American shores every alien who refuses to accept American citizenship.

I introduced a bill in the Congress providing that aliens who are eligible to United States citizenship and who, after the expiration of the proper period of time as provided by law, fail to take advantage of the opportunities offered them in this respect, should be deported to the country of origin. The Immigration Committee has not held a hearing on this bill which, if enacted into law, would tend to free our Nation from the disloyal, communistic, racketeering element which takes advantage of the hospitality of our country, its industrial advantages, and the protection of our flag without returning one iota of fealty or loyalty to our Government.

There are individuals in our midst who have absolutely no regard for our institutions, our laws, or our form of government, and who, in many instances, are occupying positions of prominence in business, in journalism, and in other fields from which they diffuse their obnoxious ideas among those with whom they come in contact, either openly or covertly. To permit individuals who come within this category to remain in the United States tends to destroy respect for law and order on the part of loyal, unsuspecting citizens who become more or less imbued with their subversive doctrine. In times of economic depression especially do such aliens seem to find a fertile field for inculcating their insidious theories into our body politic and through their open and secret activities, they add to our law-enforcement problem and consequent expenditures to reduce crime.

The Immigration Committee, in my opinion, would be rendering a patriotic service to the people of our Nation if it would favorably report legislation providing for the deportation of aliens who are eligible for citizenship under every requirement of law, but who fail to avail themselves of this privilege. Any individual who seeks the hospitality of our shores and who, incidental to his residence here, is keeping a citizen from employment, owes it to our Nation to swear to uphold and defend it against all enemies whatsoever, and if he fails to do this he should be summarily deported.

"America for the Americans" is an appropriate slogan, and especially should it be used against those who absorb our sustenance, but who give nothing in return. [Applause.]

Mr. TAYLOR of Tennessee. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Chairman, I disagree with the observation made a moment ago that this is not such an essentially important bill. I think it is important because it is a link in the endeavors of women to secure equal rights and an important part in an effort which has continued for a century or more. You do not get such things as equality in the large any more than that liberty comes all at once. It might be rather interesting to read the essay of Milton on liberty, under the name of "Areopagitica", and there find that we have gotten it piecemeal, and the very fact that the gentlewoman from Arizona [Mrs. GREENWAY] sits in this Chamber today, and that the gentlewoman from Massachusetts [Mrs. ROGERS] and others sit here, sharing all the prerogatives of Membership, is a commentary on the efforts women have made to secure not only equal rights in the law as citizens, but to secure rights under the nationality law, equal property rights, equality of suffrage, and equality before the law generally.

This is not a particularly complicated bill when administered in a practical way. There are no particular difficulties that I can discern. I am going to address myself to the sections of the bill to bring before you a concrete idea of what it seeks to do. I point out first of all that section 1 of the bill does nothing more than to give to an American mother the same rights that an American father now has. If any Member of this Chamber were to go to France, and there take an alien spouse, a French woman, and issue should be born of that union, the American father could transmit nationality to the child; if, however, a woman citizen goes from this country over there and marries a Frenchman, the nationality cannot be transmitted by the mother to children born of that union. That is simply one of those absurd inequalities in the law, and all that section 1 of the bill seeks to do is to amend section 1993 of the Revised Statutes of the United States by substituting the words "father or mother" in place of "parent", so that the mother shall have the same right to transmit nationality as the father.

The gentleman from Georgia [Mr. COX] raised the objection that difficulty may arise because of the dual nationality of the American mother and the French father, that the child would perhaps take citizenship from the French father and also from the American mother. The point is made that under the terms of the bill, if the mother also is given the right to transmit nationality, there would be dual or double nationality. That is quite true, but the same difficulty exists under the law at the present time, because there are some 58 different countries where women are entitled to retain their nationality after marriage to a foreigner and there is presented the same problem of dual nationality. That difficulty applies to men and women alike, and is a matter that can be ironed out only by treaty; but while we are waiting for the necessary treaty or treaties to be negotiated, shall we sit inertly and supinely by and allow the inequalities in the present law to continue? I can cite you letters that came from the State Department to the Naturalization Committee over the last few years. They came to the Seventy-second Congress and they came to the special session of the Seventy-third Congress, stating that we should not now modify the nationality laws because a special commission had been appointed to study the matter; that we should wait instead of correcting these inequalities at once. We might have to wait 10 years before the commission reported its recommendations. New legislation like that proposed in this bill will be affected by the so-called "nationality code", if it is ever reported. So there is therefore no reason why this legislation should be withheld. It constitutes a progressive step in the further emancipation of women.

Now, getting to section 2 of the bill, it provides that where an alien mother or father comes back to this country to resume citizenship, that the children born of that union, if born outside of the United States, shall also have the right of citizenship if the child is a minor at the time that the alien father or mother comes over to resume citizenship, and provided also that the citizenship of such minor children shall start at the time they actually become permanent residents of this country. I submit that there is nothing radical about this section. What it does is to amend the existing law that was passed on the 2d day of March 1907 so that, if an alien father refuses to become naturalized, the mother can proceed with naturalization and secure the benefits of citizenship for her children.

In this section we are simply conferring a status of equality upon the mother along with the father. There is noth-

ing revolutionary about that, nothing particularly radical. The only quarrel I have with it is that it was not done long ago when the Cable Act was passed.

Now we come to section 3 of the bill, which confers the right to renounce citizenship upon an equal basis. At the present time there exists another of those strange inequalities where a man can legally do something that is legally denied to a woman. This section does nothing more than to confer upon women and men alike an equal right of renunciation of citizenship before a competent court in this country. This is something that should have been done long ago. This simply equalizes the status between men and women in the matter of renunciation of citizenship before the law.

Finally, the fourth section of the bill, instead of being a little more liberal, is perhaps somewhat restrictive, because, in effecting equality, it enlarges naturalization requirements for women and then applies the same requirements to men. At the present time the alien wife of an American citizen does not have to make a declaration of intention. The residence qualifications were somewhat liberalized years ago so that she need show but 1 year's residence. In this particular section we once more seek to equalize the status of men and women before the law, and instead of providing that she shall be required to reside here or to be domiciled here but 1 year to comply with the requirements of naturalization and citizenship, the bill provides that both men and women must reside here 3 years. It is a little more restrictive in that respect.

Now, in substance, that is all there is in this bill. Some amendments were written in by the committee, such as the requirement of a child born outside of this country coming back to this country and having to actually and permanently reside here for 5 years before the inchoate right of citizenship becomes complete.

I understand an amendment will be offered to require that such children must also take the oath of allegiance as provided by the Bureau of Naturalization.

After all, these are not so material to the fundamental principle of the bill, although I heartily approve of them. What the bill seeks to do is to bring about an effectuation of equality between American fathers and American mothers so far as children born outside our borders are concerned, and in respect to renunciation of citizenship and the right to qualify under our naturalization law. It is not of particular consequence insofar as immigration is concerned because it will not let down the bars nor is it intended as an immigration bill.

I believe this bill should be enacted into law without delay, today, so that it can receive proper treatment at the other side of the Capitol and be engrossed upon the statute books of the Nation.

Mr. MARTIN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. MARTIN of Oregon. The gentleman has explained this bill as it affects equality between male and female citizens in the matter of citizenship. I should like the gentleman to explain why there was slipped into section 1993 the proviso:

> That if one parent is an alien such alien is not of a race ineligible to citizenship.

Why was that discrimination inserted in the bill?

Mr. DIRKSEN. I think the gentleman from Oregon will admit that he has in mind the orientals?

Mr. MARTIN of Oregon. Yes; and I live out there among the orientals. Such a provision has no place in a bill, the ostensible purpose of which is to equalize the rights of fathers and mothers. The committee has no right to slap these people in the face by any such amendment as that.

Mr. DIRKSEN. I want to be entirely fair in the matter. Personally, I have no bias in the matter. The gentleman is aware, however, that there is a prejudice against orientals, and there is always a certain degree of objection against permitting any additional orientals to come into this country. There are not many Chinese or Japanese citizens who might be affected by the bill. The number is so very small that it does not affect the general purposes of the bill.

Mr. MARTIN of Oregon. Regardless of what their number may be, we are not called upon to slap them by such a provision as this. It will do nothing but engender ill feeling against unjust treatment.

I am going to offer an amendment to cut out that provision.

Mr. PIERCE. Will the gentleman yield?

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

Mr. PIERCE. I also come from the State of Oregon and live in the eastern part of the State. This does not change the status of the oriental at all.

Mr. DIRKSEN. Not one bit.

Mr. PIERCE. Even with that provision in the bill.

Mr. DIRKSEN. No indeed.

Mr. PIERCE. Then my colleague from Oregon is simply giving them rights that they do not now possess under the terms of the bill.

Mr. DIRKSEN. As I interpret that section, it simply eliminates from the benefits of the bill those citizen Chinese mothers who might go over to the other side and marry one of their race, and then seek to confer American nationality upon their children, if permitted to do so, and bring them to this country.

Mr. PIERCE. Why should they be excepted?

Mr. DIRKSEN. There are two gentlemen from the Pacific coast who disagree.

Mr. ELTSE of California. Under the present law an American-born Chinese man or Japanese man may go to China or Japan and marry and have children there. He transmits citizenship to his children.

Mr. DIRKSEN. Does the gentleman assume they are marrying a Caucasian or an oriental?

Mr. ELTSE of California. A Japanese lady or Chinese lady.

Mr. DIRKSEN. I think it is correct.

Mr. ELTSE of California. Is that not the effect?

Mr. DIRKSEN. Under present law, yes; but oriental citizen women will not have that right under this bill. One is of a race that is ineligible to citizenship. That is the direct point made by the gentleman from Oregon.

Mr. ELTSE of California. If we pass this bill we are depriving the Chinese and Japanese of something.

Mr. PIERCE. We are not changing their status one bit.

Mr. CELLER. If the law applies at the present time to a Chinaman born in the United States, why should not this bill apply to a Chinese woman born in the United States?

Mr. DIRKSEN. That answers the objection made by the gentleman from New York [Mr. O'CONNOR], when he was talking about discrimination. What the gentleman says is precisely correct. It affects one side in the same proportion as the other. It affects the man as much as the woman, therefore this bill does not aggravate the circumstances.

Mr. DONDERO. Will the gentleman yield?

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

Mr. DONDERO. On page 2, I notice that the child must come into the United States before its eighteenth birthday. Suppose the child comes into the United States when 20 years of age. What does the bill provide as to when the child may become a citizen of the United States?

Mr. DIRKSEN. If it did not comply with the provisions of this bill, it would have to go through the ordinary course of naturalization.

Mr. DONDERO. The same as any other alien?

Mr. DICKSTEIN. Will the gentleman yield in order that I may answer the question?

Mr. DIRKSEN. I yield to the gentleman from New York.

Mr. DICKSTEIN. The gentleman is asking a legal question. He is asking when and what. If the child does not take advantage of this act, he comes in as an alien. If he does not comply with the terms of this law, he comes in as an alien.

Mr. DONDERO. I am assuming that the child does not come in when 18, but waits until he is 20.

Mr. DICKSTEIN. Then he comes in as an alien.

Mr. DIRKSEN. May I say, in conclusion, that prior to 1855, if an American male citizen went abroad and married, not even he could transmit his nationality to a child that was born outside of this country. This was corrected in February 1855. Since that time there has been a tendency to liberalize and to equalize so that the same rights and powers of nationality could be enjoyed by men and women alike. In 1920 we engrossed upon the statute books and the Constitution the right of suffrage for women. In 1922 we gave women the independent right of naturalization. This is the next logical step in bringing about full equalization under the nationality laws, and that is why this bill deserves to be passed. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. DICKSTEIN. Mr. Chairman, I yield 5 minutes to the lady from Arizona [Mrs. GREENWAY].

Mrs. GREENWAY. Mr. Chairman, I have listened to some very good speeches this morning; therefore, it is with just a little regret that I take exception to the one I just heard, but I would hardly call it an exception. It makes me wonder if perhaps we do not talk too much and too long on the matter of equal rights. This is a singular statement for a woman to make, but I make it because I believe the day has come—and we thank the men for it—when we should call our position rather one of equal responsibility and with it the accompanying privileges.

It was stated today that we should share the responsibility with men of looking out for our sisters. I agree with the statement. The motive underlying this bill is good and just. American mothers desire to share responsibility with American fathers of giving the greatest of all gifts to their children, that of American citizenship; and I hope this bill will pass. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. WEIDEMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. HENNEY].

Mr. HENNEY. Mr. Chairman, we have come a long way since the founding of this Government in giving to the women of America their rightful place in our governmental program. This has been an evolutionary change since the dark ages, when a woman was considered as a chattel who should behave simply as a vassal toward her husband, the liege lord. It is a fact that in many civilized countries of today—and I am sorry indeed that it is true in many Christian countries and even in a number of our States—women are still considered as property assets. It is an incontrovertible fact that every piece of liberalization of the traditional and accepted overlordship of the male has been bitterly fought by many of our most erudite statesmen. The crowning event in this fight was when President Wilson signed the nineteenth amendment, giving the right of franchise to 20,000,000 American mothers. As a child I never could understand why my mother, whom I respected as the molder of my destiny, was not given the privilege of voting. It impressed me as an implication that she was not sufficiently intelligent to pass upon legislation that affected her and her family. Many male citizens whom I knew and who were, in many instances, scarcely above a moronic level were permitted the right of franchise and were privileged to assist in shaping the laws of the Nation that would govern hundreds of thousands of women citizens who were far superior intellectually. A woman teacher of political economy, a woman physician, lawyer, or minister was obliged to allow some dumbbell who might be a janitor or a hostler to do her voting for her. True, there are many subnormal women, but the two sexes are more or less on a parity in this matter, and therefore the argumentative point that women were not sufficiently enlightened was void. I believe all are agreed that justice has been done to the women of America in giving them the right to vote, and I think likewise all will agree that their entrance into and their interest in national politics has had a very salutary effect.

The question now arises, Shall many other restrictions that are heritages of the dark ages be equalized? The accepted belief that women should not be allowed to transmit nationality to her offspring under the same conditions as her brother is one of those nonunderstandable laws which it is the purpose of this bill to rectify.

In my home State of Wisconsin, which I am proud to believe is one of the most forward-looking and progressive States in our Union in the matter of being in the vangard of democratic legislation, we enacted an equal rights law in 1921. It was a general and not a specific law, in that it corrected all domestic phases of sex inequality and not some special inequity. Section 1 of this law reads as follows:

> Women shall have the same rights and privileges under the law as men in the exercise of suffrage, freedom of contract, choice of residence for voting purposes, jury service, holding office, holding and conveying property, care and custody of children, and in all other respects.

The greatest objection to that legislation at that time was to women serving on juries. Many lawyers, judges, professional people, and those who opposed any change in the existing order contended that because of woman's emotional nature she would be unfit for jury service. The law was enacted after a bitter fight, and today those same lawyers and judges are the loudest in their praises of the competency and analytical judgment of women jurors, and nearly every jury now has a goodly number of women sitting on it who are frequently chosen by the lawyers and judges in preference to men. Their ability and efficiency are not questioned in Wisconsin.

In support of this view, I wish to quote Miss Zona Gale, my fellow townswoman, a famed and internationally known author:

> In many States today the common-law disabilities of women are comparable to the barbaric laws of the chattel-slavery days. In our Federal laws there are many inequalities that should be removed. Common justice to the women of America requires that both in the Nation and in the States these obstacles and injustices be removed. The Wisconsin law recently enacted is a model for State action. But in the last analysis, as in suffrage, a constitutional amendment will best meet the complex situation.
>
> Will you bear with me for a moment to note this abstract truth: That every man knows what a woman's point of view, when it is wise and sane and kindly, can contribute to life. Of his understanding of this we catch glimpses in his book dedications and in all his moments of greatest articulacy. The difficulty is to generalize, to realize that more women have that wisdom and that sanity or, when they haven't, that we must help them to develop these broadly social qualities. The opportunities of men to express a social spirit in their living are still double and triple those of women. Yet women have a spiritual genius which has never been given social expression. It is precisely this which they could liberate into the world for the general welfare, if all these meshes of little circumstances hampering them could be swept away and they could be given the moral backing of a general consciousness of equality of opportunity. That is all that any equality can mean in the new status of women—equality of opportunity to express themselves politically and legally, without discriminations against them.
>
> Lady Astor spoke a profound truth when she said at Baltimore recently that women trust to the spiritual, and that they can bring the spiritual through to the material world—in time. * * * I am not saying that the Wisconsin equal rights law or any other equal rights law is going to do all that. But I am saying that the Wisconsin equal rights law or any other equal rights law equally well drawn is to be taken as one step in that long progress which women are making—through the doors of education, of the professions, of business, of the franchise, and on to full equality with men. The doors not of their own advancement alone but of the advancement of a race struggling toward the conditions of a just freedom. The status of women in Wisconsin even under our equal rights law is but a stage in that long march.
>
> Most of the barbaric laws dating from the days of chattel servitude have never existed in Wisconsin, but some of them did exist up to the time of the passage of the equal rights law. And all discriminations against women must be removed. All discriminative laws against women are remnants of serfdom days, and all these remnants must disappear.
>
> I see no conspicuous holy of holies in these discriminative laws. And in some States the pedestal does not seem to be high enough to prevent a husband from scaling it to collect his wife's earnings. Whether the discriminations are great, as they are in some States, or less, as they are in Wisconsin, the principle involved is the same—all discriminations against all women must be removed.
>
> In every State in the United States, except Wisconsin, there are discriminations against women. You see how invaluable is our Wisconsin law to the women still working to remove these discriminations.
>
> In this matter there is no woman's standpoint and there is no man's standpoint. There is only the need of our common citizenship to rid our statute books of these vestiges of the old Eng-

lish common law and to bring our law down to date. To do this for women—yes; and for men, and for the general welfare, and for the children and the children's children.

Mr. Chairman, I submit that many of our States are trailing the sovereign State of Wisconsin in the matter of true Jeffersonian legislation, and I predict that in due time all States will deal just as fairly with their women in the matter of equal rights as has Wisconsin.

It cannot be gainsaid that the present law, the Cable Act of 1922, deals unfairly with American citizen women relative to their transmitting of nationality as compared with the privileges granted American male citizens.

In regard to the capacity of an American father and an American mother to transmit American nationality to a child born abroad: The principal change which this legislation will make in the nationality laws of the United States will be to remove the present inequality between a father and mother with regard to the capacity to transmit nationality to a legitimate child born outside the United States. The present law of the United States on this subject discriminates against the mother. This law is as follows:

"A legitimate child born outside the jurisdiction of the United States of a father having United States citizenship at the time of the child's birth has United States citizenship (regardless of whether the father is a native or a naturalized citizen) if the father has at some time prior to the child's birth resided in the United States. In order to receive the protection of the United States, such a child, if it should continue to reside outside the United States, must record at an American consulate upon reaching the age of 18 its intention to become a resident and remain a citizen of the United States, and must take the oath of allegiance to the United States upon reaching majority. On the other hand, a legitimate child born outside the jurisdiction of the United States of a mother having United States citizenship and a foreign father has no claim to United States citizenship."

Considerable objection has been raised against this legislation because of the possibility of increasing immigration. It was stated on the floor a few days ago by the gentleman from Ohio, and a former member of the Committee on Immigration, Mr. JENKINS, who, in explaining that he had previously opposed this bill, stated that such opposition was not on the grounds of immigration, which latter he considered to be negligible. If the sole desire of those opposing it on such grounds were to decrease immigration by denying admission to either sex entering into marriage with foreigners, immigration, indeed, would be much more greatly restricted by turning the tables and allowing only female American citizens the right to transmit nationality to their children, for, indeed, Mr. Speaker, it is a well-accepted fact that at least 10 males contract foreign marriages to that of 1 female.

Another point which is very pertinent to this discussion is that of assimilibility of the child born to a dual nationality union. It is the mother who shapes the intellect and who molds the character of her offspring. Indeed, until a child is 12 years old it is with its mother almost constantly and with the father occasionally. It has been stated that in a certain European regime the contention is made that if they are given the custody and training of children until they are 10 years old that they care not what other influences may be brought into the after-life of those children. We all know that the first few years of a child's life is the formative period of its character. There is an old adage, "As the twig is bent, the tree inclines." Certainly a child born to a foreign mother, even though the father be an American citizen, will be brought up under the influences of foreign traditions and training. That child will be taught foreign folk lore and will be taught obedience and loyalty to every foreign tradition. Indeed, when that child reaches America, even up to the age of 18, it is foreign in its every fiber. On the other hand, in the case of a child born to an American woman abroad, we can rest assured that that child's training during the formative period of its life will be almost entirely along the lines of American ideals and American traditions; and, indeed, should that child enter America along with the other child just mentioned, the child of the American mother will become a citizen much more easily adaptable to and assimilable in American life than the child reared under maternal influence that is entirely foreign to American ideals.

There can be no valid reason or sound argument why an American mother should not be allowed the same privilege as her brother, an American father, both of whom had married foreigners, in declaring her intention of accepting American citizenship for her children under the restrictions and regulations as those accorded her brother. This legislation asks simply for equality between the sexes in transmitting nationality to their children. It is fair legislation—it is progressive legislation—let us take that step today. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. TAYLOR of Tennessee. Mr. Chairman, I yield 2 minutes to the gentlewoman from Massachusetts [Mrs. ROGERS].

Mrs. ROGERS of Massachusetts. Mr. Chairman, I feel very sure that the Membership of this House will vote to do away with the present unjust discrimination against our women and their children. One reason I feel so sure of this is because the men of the United States are fairer and kinder to the women of their country than are the men of any other nation in the world. [Applause.] The men will agree with me when I say the child is always closer to the mother than to the father. Every court in our land when ruling on a divorce case gives the custody of the child to the mother rather than to the father.

May I give one more reason why I feel very sure the Members of this House will vote for this bill.

If any Member of this House had a daughter who married a foreigner—of course he would prefer to have her marry a citizen of the United States—but if perchance she fell in love with a foreigner and married him, and she had a child, I know perfectly well the grandfather of that child would want his grandchild to become an American citizen and to have that right. This is not a perfect bill. The proposed cruel ruling against the American citizens of Chinese and Japanese descent should be corrected and will be by amendment this afternoon. [Applause.]

Mr. TAYLOR of Tennessee. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I ask unanimous consent to speak out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. Mr. Chairman, I have just received this telegram which is self-explanatory:

Urge you to spike dastardly article in American Mercury for May entitled "How to Make a Revolution", in which it is urged to contaminate our glorious Army and Navy with red propaganda.

This is signed "Twelve members of Harvard Club of New York."

I am not one of those who want to interfere with freedom of speech. I believe in the fullest freedom of speech. Nor am I one of those who believe we are going to have a communist revolution tomorrow morning at dawn or the next day or the next year. I am in no respect an alarmist. There are only a limited number of Communists in this country and they would not be foolish enough to try to bring about any kind of revolution by force or violence. If they did, using a Russian word, they would be liquidated in a few weeks' time by the Regular Army, the National Guard, the American Legion, and the Veterans of Foreign Wars. But I do not believe there is any room in this country for such foreign importations as inciting class hatred and violence in America under our free institutions and our republican form of government, which is guaranteed to each State by the Federal Constitution. Nor do I believe there is any place in America for those who seek to incite insurrection, mutiny, and rebellion among our armed forces. The article referred to is in the American Mercury, Menken's old magazine, which had a great intellectual clientele and is now owned by a new and radical group. In this magazine there is an article by Raymond Postgate, a former Communist, or at least, according to his own words in the article, a former editor of the official British Communist journal, directly stating not only how to make a revolution, but advocating and urging at least indirectly a revolt or an insurrection among the enlisted personnel of our armed forces, particularly among the Air Corps and among the police in the United States. It goes into details as to just how this should be done and he does not mince words at all, because he says they ought to organize the mechanics of the air

force and use them for revolutionary purposes. The article is clearly seditious and written avowedly to incite a revolt among our soldiers and sailors against their officers and our Government.

I do not know any law that exists that can take care of this situation in time of peace. There is a law that prohibits anyone in time of war from inciting mutiny and insurrection in our armed forces, and I believe this law ought to be extended in time of peace to cover articles of this kind. No American citizen should have the right to urge the overthrow of our Government by armed force or to urge rebellion and insurrection among the enlisted personnel of the Army, Navy, Marine Corps, or Air Corps. Postgate is so brazen in his article as to set forth in detail the methods how to create a revolt and how to implant the seeds of communism, sedition, and mutiny in the minds of American soldiers, sailors, and policemen.

This article, How to Make a Revolution, goes on to say:

> How shall the cautious revolutionary who fears or hopes that in armed revolt lies his only chance of success deal with this last development (the Air Corps)? How shall revolutionary feeling be spread among flying men? * * *
>
> But the organization of support in the air force for a revolutionary coup is an integral part of the whole problem of the armed forces—the Navy, Army, and police—and will have to be considered separately. * * *
>
> All that a revolutionary can say is that it is the obvious duty of any well-to-do and earnest advocate of social change not only to learn to fly himself but to pay for the training of at least one class-conscious and reliable worker. That, indeed, is a duty which, like the organization of a union of pilots, lies upon the most peaceful as well as the most ferocious of us. * * *
>
> Revolutionary propaganda could conceivably be turned like a jet upon the armed forces and the police, and it might be that concentration of energy here would prove a short cut to the revolution. Instead of fighting the Army, the Army might fight for us.

The amazing part of the article is the statement of this former British Communist editor that there is nothing in our law to prevent him from writing such an article, although he admits that in almost all other countries such an article would be illegal and punishable.

I hope some law will be put on the statute books to cover this situation similar to the proposed Jeffers bill against inciting revolt in the armed forces of the United States and the overthrow of the Government by force and violence. [Applause.]

[Here the gavel fell.]

Mr. BYRNS. Mr. Chairman, the gentlewoman from Indiana [Mrs. JENCKES], who is unavoidably absent from the House today, has prepared a very forceful and able address in support of the pending bill, and, at her request, I ask unanimous consent to insert the speech in the RECORD at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mrs. JENCKES of Indiana. Mr. Chairman, the enactment of H.R. 3673 is a matter of great interest to American women of every political party in every part of the country, because it concerns their rights of full citizenship as American women.

Next to the stigma of disenfranchisement within their own country—now happily removed—they felt that the stigma of unequal nationality rights was the most shameful badge of inferiority which their country could put upon them.

Immediately after the national enfranchisement of women in 1920, women all over America began the work for the removal of the stigma of unequal nationality, and in 1922 the Cable Act, which was intended to equalize the nationality rights of American men and women, was passed by the Congress. I desire to pay sincere tribute to the women and women's organizations whose efforts advanced this great cause to its present status, and I appeal to all organizations of women to immediately enroll in this movement for the welfare of all women.

When the Cable Act was put into operation it was soon found that certain amendments were needed to carry out its intent, and work was begun to draft amendments to carry out its original purpose. Certain nationality officials in the Department of State at once opposed all such amendments on the ground that many changes in our nationality laws were desirable, and they urged that no further changes be made in nationality laws until they could complete the revision which they were then making. In spite of this opposition the Congress did in 1930 and again in 1931 amend this Cable Act toward equalization of our nationality laws on the ground that women, as full citizens, were entitled to the equal application of existing law at once.

Now after 14 years of arduous, unremitting work, an agreement has been reached between all shades of opinion in Congress on the final amendment needed to establish complete equality between American men and women on nationality rights. But, again certain employees of the State Department Nationality Bureau have advanced the identical demand which they have made all these past 14 years, and are insisting that American women wait for justice until they can evolve a new and perfect nationality law. It is frankly admitted by these subordinates that no report can be made in time for action at this session of Congress—which would mean continued unjust application of our present laws for more than a year at the very least.

One of the most cruel wrongs suffered by American women and their children during the late war was the denial of their right—a right possessed by every American man—to transmit nationality to their minor children born abroad. This gross injustice will be removed by H.R. 3673. It is eminently unfair to American women to deny them this act of justice now merely to satisfy minor department executives in the State Department who intend writing the needed changes in the law. Moreover, the changes which they have already suggested will never, in my opinion, be approved by the Congress, since they have determined that hereafter no minor child born abroad may have American nationality transmitted to it unless both its parents are American citizens. Will American men submit to such dictation and meekly surrender their right to transmit their nationality to their children if they have married an alien wife? Furthermore, indefinite postponement of this act of simple justice—that of equalization of our laws as they now stand, leaving further changes in the laws themselves until the commission now studying them has presented its report in some future year—would throw the question of equal nationality into what would be bound to be a bitter fight on new nationality and naturalization laws—a situation women have sought to avoid.

Women did not make the laws now in force. They do not say they are perfect laws. They did not propose the minor changes suggested in the present bill; they were made by the Committee on Immigration. All that women are asking is that our laws, as they stand today, as they are being daily enforced, shall be completely equalized at once without further delay. This is a just request, one that the Congress intended to grant in the original Cable Act of 1922. Justice delayed is justice denied.

Practically every organized group of women in the country stands behind this appeal for equal nationality. The only question at stake now is, Shall this act of fundamental justice be granted now, or must women wait for justice from their country until minor executives of the State Department have decided what new laws they want and have converted Congress to their way of thinking? Will the Congress surrender the fundamental liberties of all American women to the whims of employees of the State Department whose salaries are paid in great part by these same American women whose rights of citizenship these gentlemen oppose? In defending their position of opposition to this equality legislation, a minor executive of the State Department told a group of women:

> You must remember that we have the trouble of applying these laws after Congress makes them, and it gives us a lot of extra trouble whenever a new regulation is made; so we think you women should wait for equality legislation until we have decided upon a new code of nationality law.

I submit that women should not be called upon to endure any longer the stigma of unequal nationality or the injustice of the present laws merely to save a little extra trouble for the Government employees who are paid to enforce the law.

The question of equal nationality is not a party or political question in any sense. It is a measure which every Member

of Congress must act upon as a statesman in whose keeping lie the basic rights, as well as the dignity, of all women citizens of our country.

In that spirit, the spirit of fair play to American women, we should pass unanimously this final act of justice to equalize the nationality laws of our Nation. It will be another forward step in the progress of civilization, and it is an obligation we owe to the present and future welfare of our country.

I thank you.

Mr. TAYLOR of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. McFADDEN].

Mr. McFADDEN. Mr. Chairman, notwithstanding what has been said about the pending bill, I have the feeling it is an important immigration bill. There is no question that the proviso on the first page, if left in the measure, takes citizenship away from American citizens, and in this respect the bill should be amended.

Under provisions of this bill it will be possible for a girl born in Germany or Poland coming to the United States in infancy acquiring American citizenship by the naturalization of her parent to proceed abroad to her native land, marry a German or a Pole, as the case may be, bring forth children, and have those children termed "American citizens." This notwithstanding the fact that all the rest of the world would call such children of the nationality of their father. Complications inevitably would arise.

In the same way a Negro woman born in the United States, married to a Jamaica British Negro, could be transplanted to Jamaica and her children born there would be called American citizens by our Government, although claimed as British citizens by the British Government.

The bill multiplies complexities of dual nationality. Under present law the child of an American citizen mother and a German father born in the United States is a citizen of the United States. If born abroad, the child is a citizen of the country of his father's nationality. Under the terms of the bill such a child born abroad would have an American nationality for a period of 17 years 11 months and 29 days; then should he be brought to the United States his nationality would be an open question, because the bill would require a continuous 5-year residence in the United States in order to confirm American nationality.

The United States has no business claiming for anyone what it would not willingly grant if a situation should be exactly reversed. Thus we would not tolerate a claim of German nationality in the case of the child born of an American citizen father and a German mother. Why, then, should we undertake to assert a claim of American nationality in the case of the child born of an American mother and a German father unless such child is born within the United States?

The entire question is so intricate and technical that it deserves long and patient study, which apparently was not given in the Committee on Immigration and Naturalization before the bill was reported 11 months ago. In the meantime the President has set up an interdepartmental nationality committee, which the Secretary of State says will be ready shortly to submit its report and recommendations.

Now, in the face of this, and the study that is being made under the instructions of the President, what is the great haste in putting this resolution through at this time? Is it that they fear the committee will not, after a study, be willing to pass this legislation?

Now, under this situation the opposition has been withdrawn because of the endorsement of the Department of Labor and the Department of State. I have read the statements that have come from the Department of State, and I confess that I cannot see where the Department of State has expressed an approval of this bill.

Mr. COX. Will the gentleman yield?

Mr. McFADDEN. I yield.

Mr. COX. Has the Department indicated a willingness to take any part whatever in the approval of the bill—in other words, have they done anything but give a qualified withdrawal of express opposition to the bill?

Mr. McFADDEN. The gentleman is correct. The State Department opposition has been withdrawn because they were put under pressure. Evidently some unusual pressure has been brought to bear on the State Department from some source. I believe that if you could get at the facts in the State Department you would find that they are very much in doubt as to the wisdom of passing this bill, regardless of what has been said.

The whole idea of equality of nationality is fallacious. It is in derogation of the dignity and the unity of the family upon which all civilized society rests. From the time when the Moabitish Ruth was gleaning in the fields, the identity of nationality of husband and wife has been a part of the law of nations. Not until the Cable Act of 1922 was this principle abandoned. Neither equal suffrage nor any other condition or circumstance of modern life has altered or eliminated the responsibility of the male for the support and protection of the family. Any step that may be taken in an attempt to minimize this responsibility is a mistake.

If I have an opportunity, I shall offer an amendment, as follows:

Page 1, line 9, after the word "States", strike out the colon and all the words following down to and including the semicolon at the end of line 10, inserting in lieu thereof a period after the word "States."

And in support of this amendment I desire to point out that by the fourteenth amendment to the Constitution all persons born within the United States are citizens thereof. By section 1993, United States Revised Statutes, a child born abroad, whose father is a citizen and has resided in the United States, is a citizen. By this bill a child born abroad, whose father or mother is a citizen and has resided in the United States, is to be a citizen. It is claimed that this bill will remove a discrimination against citizens of the female sex. If the aim of the bill is to remove a discrimination, why should it create one? If the privilege of conferring nationality by maternity is extended, why is the American citizen woman of oriental race excluded from the benefit? If the privilege is desirable for one woman citizen—white or black—is it not just as desirable for another, though she be yellow? She is equally a citizen. Therefore a distinction in her case is inequitable and unjust. The amendment would strike out a proposed inequality and assure a complete equality. If the body of the section places the sexes on a parity in the matter of the privilege of conferring nationality, then the amendment, striking out the proviso, emphasizes the disposition and intention to create equality.

Mr. MARTIN of Oregon. Will the gentleman yield?

Mr. McFADDEN. I yield.

Mr. MARTIN of Oregon. The gentleman will find that he will have some other Members on the floor with him.

Mr. McFADDEN. I am glad of that.

Mr. Chairman, I ask unanimous consent to extend my remarks by inserting a table showing the census figures which are taken from the statistical abstract (1931), page 4:

	1870	1880	1890	1900	1910	1920	1930
Chinese males					66,856	53,891	59,802
Chinese females					4,675	7,748	15,152
Total	63,199	105,465	107,488	89,863	71,531	61,639	74,954
Japanese males					63,070	72,707	81,771
Japanese females					9,087	38,303	57,063
Total	55	148	2,039	24,326	72,157	111,010	138,834

American citizens of Chinese race admitted and departed, as shown by official reports:

Fiscal year 1933:	
Admitted	2,785
Departed	(1)
Fiscal year 1932:	
Admitted	3,252
Departed	3,367
Fiscal year 1930:	
Admitted	3,220
Departed	3,300

[1] No record.

The above figures illustrate some interesting facts: (1) In the early days it was not the custom of the Chinese to bring their women to the United States; (2) after 1910 the number of females both Chinese and Japanese increased, but the Japanese increase was far greater than the Chinese; (3) the disposition of the Japanese is to remain in the United States, intermarry here, and settle permanently; (4) the disposition of the Chinese is to return to China, even citizen Chinese customarily returning there at intervals and many permanently. While the Chinese population of the United States has declined greatly since 1890, the Japanese population has risen steadily and is still rising notwithstanding exclusion, for the reason that the preponderance of males is not so heavy, intermarriage here is more the settled custom, and the tendency of children born in the United States is to remain here. Hence there is a greater number of citizen Japanese than Chinese. Hence the maintenance of section 1993 is of slight importance to the Japanese and of great importance to the Chinese.

Gentlemen looking over the figures will see that it is a distinct discrimination against the Chinese, and I am wondering whether the House at this time, of all times, wants to get into a situation discriminating against the Chinese. I do not think so.

Mr. DICKSTEIN. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. KELLER].

Mr. KELLER. Mr. Chairman, I am glad, indeed, to speak for this bill. It is a thing that we ought to have done long ago. I am glad that we are doing it now. There is no reason or excuse for having denied equality to the women of this country under the law when we have granted it to them under the Constitution. I was one of those who believed, or hoped, rather, that the adoption of the constitutional amendment giving the right of suffrage to women would of itself automatically operate to bring the law into accord with the constitutional amendment. I was disappointed to find otherwise, and I am glad that we have discovered how it ought to be done.

It was my great pleasure as well as, I hope, some honor, to have been a member of the State Senate of Illinois when we passed the first law of any State east of the Mississippi River giving the women of Illinois the right to vote for President of the United States, and that was back in 1913. Following that, in my judgment, the adoption of the nineteenth amendment resulted. I, therefore, think I am justified in having some pride in participating to a large extent in the success of that movement in my own State.

I have not tried to study the details of this bill; I have not tried to master the intricacies of it. My training as a lawyer has been in abeyance for a great many years, and I expect it will remain there the rest of the time. So I am not trying to say what I know about it, but I am following the committees of this House, because my observation has been that, when a committee studies a proposal such as this, it arrives at a better legal conclusion than I could possibly do alone. Therefore, I am glad to follow the committee in this regard. I am glad to be here as a Member of this body at the present time and repeat to you that my State, Illinois, was the first State east of the Mississippi River to recognize the justice of giving women equality with men, legally as well as otherwise.

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

Mr. KELLER. Certainly.

Mr. COX. The gentleman insists on all equality and equal treatment to men and women in all things?

Mr. KELLER. Certainly.

Mr. COX. Miss Smith marries Mr. Jones, and they have a child. Is it a Jones or is it a Smith?

Mr. KELLER. It is both.

Mr. COX. That is exactly what happens under this bill. If the mother marries a German, the child is both an American and a German.

Mr. KELLER. The child has a perfect right in most cases, and I think in this, to take whatever name it pleases. I know in countries existing under the Roman code that sometimes they take the mother's name and sometimes the father's name. I have known brothers, one of whom took the father's name and the other the mother's name. I know of no reason why it should not be done here if they desire to. I think they ought to have that right if they want to. I am glad that I am half my mother, a Bradley, and half my father, a Keller.

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

Mr. KELLER. Certainly.

Mr. FOCHT. The gentleman speaks of the Romans. Is it not a fact that 90 percent of the Romans did not have citizenship—they were slaves?

Mr. KELLER. I did not say Romans. I said countries accepting the Roman code—Mexico and the Latin American countries among others.

Mr. BRUMM. Does the gentleman mean to say that under the laws of Illinois a child may select its own name and take its father's name or its mother's name?

Mr. KELLER. It is unquestionably permitted under the laws of the State of Illinois.

Mr. BRUMM. That is not the case in most States.

Mr. KELLER. I do not know about that. I think if the gentleman will go into his own State he will find the courts there will hold that a child may take whatever name it pleases, either its father's or its mother's.

Mr. BRUMM. No. It is a long and rather tedious proceeding to change your name.

Mr. OLIVER of New York. Mr. Chairman, will the gentleman yield?

Mr. KELLER. Certainly.

Mr. OLIVER of New York. In my State a man has a right to take whatever name he pleases.

Mr. KELLER. Of course.

Mr. OLIVER of New York. But if he asks the court to give him a certain name and the court fixes the name, then he cannot change it without the consent of the court.

Mr. KELLER. Certainly.

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

Mr. DICKSTEIN. Mr. Chairman, I yield the gentleman 1 minute more. I want to ask the gentleman a question. Take the case of an American woman who marries an Englishman. The husband dies. In that case the child of that issue is an alien. With this law it would give the mother the right to bring her own flesh and blood to this country and have her child a citizen of her country.

Mr. KELLER. That is clearly the intention.

Mr. DICKSTEIN. Under the present law she cannot do it?

Mr. KELLER. That is correct.

Mr. COX. In other words, they are changing the bill here which as it reads is a bill that deals with the question of nationality and converting it into an immigration bill.

Mr. KELLER. I do not follow that. I do not so understand. It does not change the quota that may come into this country at all.

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

Mr. TAYLOR of Tennessee. Mr. Chairman, I yield the gentleman 2 minutes more.

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

Mr. KELLER. Certainly.

Mr. DONDERO. I am wondering if the gentleman can enlarge on that phase of this, because the claim has been made that this is an immigration and not a naturalization measure. Can the gentleman give the House any information as to whether it would increase immigration?

Mr. KELLER. I believe so. That is the same question in different form which the gentleman from Georgia [Mr. COX] just now asked, a gentleman for whose legal ability I have very great respect. This is not an immigration bill, and does not in any way affect the quota that may come into this country, because there is no provision that lets anybody in anywhere. It is purely a matter affecting citizenship or nationality. It is a just bill because it does give equal nationality to the American mother that the law has heretofore given to the American father. This is the object of the

bill; this will be the effect of it; and I certainly am for it with all my heart.

Mr. COX. But it confers nationality which may possibly increase immigration which otherwise could not possibly happen.

Mr. KELLER. There may be exceptions, but they will be the exception rather than the rule. [Applause.]

Mr. DICKSTEIN. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. OLIVER].

Mr. OLIVER of New York. Mr. Chairman, I have been requested by some distinguished and brilliant women in the State of New York, members of the Women's Party, to express their opinion, asking the House to favor this bill; and to express my complete agreement with the terms of the bill.

After all, this is a simple issue. The Government of the United States is in complete control of the power to grant citizenship to people whom it considers qualified for citizenship. Other nations have equal sovereign power. In our country, I think, up to the Civil War we had the doctrine called "indefeasible allegiance"; no man could divest himself of United States citizenship unless he had the consent of the Government of the United States. That was a worldwide doctrine. If I recall correctly, the most famous case arising under this doctrine was that of a man named Williams. Williams while a citizen of the United States went to France, joined the French Army, and fought there as a Frenchman, taking an oath of allegiance to France. He returned to the United States and was charged with violating this law of indefeasible allegiance, was convicted and sentenced to jail, and the sentence was upheld by the Supreme Court of the United States. That case, however, caused great resentment in the people of the Nation, and a subsequent Congress repealed the doctrine of indefeasible allegiance in America. As a matter of fact, it was because of that doctrine that we repealed the treaty we had with Russia. True, there was much heat and indignation at the treatment of American citizens in Russia, and that was the provoking cause of the dispute between our country and Russia; but the official claim of America was that America had abandoned the doctrine of indefeasible allegiance and Russia still continued it; that, therefore, the treaty rested on different grounds than those upon which it was negotiated.

We have today the power to grant citizenship no matter what other citizenship a person may hold in another country.

There is but one respect in which the bill should be amended, and that is, in order that citizenship may be conferred upon the child of an American woman married to a foreigner, the taking of the oath of allegiance to the United States by that child should be made a prerequisite. Such a provision should be in the bill, because we do not want to grant citizenship to the child of an American mother simply because it is the child of an American mother unless it chooses to be loyal to America.

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

Mr. OLIVER of New York. I yield.

Mr. WEIDEMAN. The committee has such an amendment prepared.

Mr. OLIVER of New York. I am very happy to hear that; and I therefore feel as though I can approve of the bill in all its features.

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

Mr. OLIVER of New York. I yield.

Mr. BOYLAN. Does not the gentleman think that the amendment on page 2, beginning in line 4, covers his point?

And unless the child, previous to his eighteenth birthday, returns to the United States and resides therein for at least 5 years continuously.

Mr. OLIVER of New York. No; for the reason that the child at that age is under the guardianship of its parents and comes over here merely because they are over here; and it has nothing whatever to do with the mental state of the child. The child might want to take the citizenship of the father, and it should if it feels so disposed. Our doctrine is that citizenship is a matter of free choice by the individual who is otherwise qualified. We give an alien the right to become an American citizen under certain conditions; and we give an American citizen the right to become a citizen of any country without offense to our Government. No child of any person contemplated by the terms of this bill, however, should be allowed to become a citizen of this country under circumstances which do not require it to take an oath of allegiance. The father may be a Bohemian or a Hungarian, and the child might prefer to take Bohemian or Hungarian nationality. In that event there would be a dispute between sovereigns. That should be determined by the free oath of the child.

If this amendment is adopted, I see no objection to the bill, for it simply grants the mother the right, if she is a citizen of the United States, to have her child become an American citizen on its oath of allegiance to this country plus a residence of 5 years, if the child wants to become an American citizen. [Applause.]

[Here the gavel fell.]

Mr. DICKSTEIN. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. BROWN].

Mr. BROWN of Kentucky. Mr. Chairman, in my State, of course, we have no close contact with those problems of immigration; but as a matter of simple justice it seems to me that what is today being written into the law ought always to have been the law, once the Congress took cognizance of this problem.

I see no reason why I, as a man, should be accorded a privilege by law which is withheld from my wife if she wishes the same privilege. We have been progressing for a great many years toward that realm where men and women stand alike at least before the bar of justice and in the eyes of the law.

A moment ago the gentleman from Pennsylvania proclaimed the doctrine that through the years it has been the prerogative of the male to look out for the family subsistence, to care for its welfare.

This will not change that. They did not write that according to law. It is in the nature of things that man will always be the provider for the family, or he ought to be; but when it comes to a matter of justice as to family rights, I cannot see any reason why we ought to refuse to the women the privilege that man has accorded to himself. In that measure of justice here today we are about to write into the laws of this Nation that the mother may bring her children here, a privilege that we have prior to this time accorded to the men.

[Here the gavel fell.]

Mr. TAYLOR of Tennessee. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. BLACK].

Mr. BLACK. Mr. Chairman, this is the second general bill that has appeared before the present Congress on which I have had anything to say. I have not inflicted myself on the House, largely because I take up so much time doing the chores of the House in the reports of the Claims Committee and the District Committee.

This bill in its general purpose is like a great many other bills, it is highly desirable, but the rider on this bill in the form of the proviso on the first page, to which the gentleman from Pennsylvania has called attention, is highly dangerous and the harm that may come from this proviso will more than offset any benefits that anybody may derive under the general purposes of the bill. It was not thought of originally when the bill was introduced. No one thought when this bill was introduced of any further discrimination against orientals.

Today the Pacific is tense. Today the statesmen of the world are meeting and they are highly alarmed over the Asiatic situation and in Japan declaring an Asiatic Monroe Doctrine which she claims she is exercising on account of just such situations as these.

If the womanhood of America want anything from Congress, they want international accord build up. They want movements directed toward international peace. They do not want a note of international discord uttered in this Congress. This proviso is pregnant with international dis-

cord, for not only do we insult by this bill and legislative enactments the womanhood of oriental blood who happen to be citizens of this country and thus reflect on the Orient, and in no sharper manner can you reflect on them than by reflecting on their womanhood, but you absolutely take away the present rights of an American citizen of oriental blood, an American male oriental who is an American citizen, who under the provisions of the fourteenth amendment is guaranteed the same rights as any other American citizen. When we take this away from him by this proviso we are doing something unconstitutional.

If this proviso were out of the bill and the bill could meet the dilemma propounded by the alert gentleman from Georgia [Mr. Cox], it might work out some decent purpose, but until this proviso is eliminated there is danger. Last year on the floor of this House the gentleman from Pennsylvania [Mr. McFADDEN] and myself called attention to the dangers lurking in a certain bill—the press censorship bill. At that time we were only successful in getting 29 to support us, but that very night the President of the United States insisted that the bill not pass the Senate. I predict that if the House of Representatives passes this bill with this objectionable proviso in it, in these tense days, before the sun sets, the President will use his good offices to have the proviso eliminated. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. TAYLOR of Tennessee. Mr. Chairman, I yield 4 minutes to the gentleman from Oregon [Mr. MARTIN].

Mr. MARTIN of Oregon. Mr. Chairman, I want to emphasize, and probably it will be an anticlimax to the able way in which the preceding gentleman presented the subject, the provision here at the bottom of page 1, which reads,

Provided, That if one parent is an alien and such alien is not of a race ineligible to citizenship.

That, in these times of excitement and distress in the world, is a direct stab at the orientals. It denies them the right that they have today, and I cannot think for one instant that this House will be so far lost to its duty as to pass such a bill.

This amendment was slipped in at the eleventh hour. I hope the committee will reach that height of justice and common sense that of their own will they will move to strike out the provision. If they do not do so, I, as a Representative coming from the Pacific coast, will certainly offer the amendment. There is no conceivable way in which I can understand that this direct insult should be put upon these orientals, and that we should at this time take away from them rights that they have now, especially with the world in the condition it is today, and with all these troubles in the Orient. If we are so foolish as to let that stay in the bill, I do not think the President will approve it. It violates his great principle of being good neighbors. This objectionable provision will not make for good neighbors. It will make for bad neighbors, and neighbors who are already somewhat irritated.

Mr. McCORMACK. Will the gentleman yield?

Mr. MARTIN of Oregon. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. It would affect very, very few people also.

Mr. MARTIN of Oregon. Certainly. It is just a play on a worn-out issue on the Pacific coast; that is all it is, because it would not affect any great number. It is continuing an old feeling that no longer exists.

Mr. DIRKSEN. Will the gentleman yield?

Mr. MARTIN of Oregon. I yield to the gentleman from Illinois.

Mr. DIRKSEN. I desire to make sure that the House understands precisely what the gentleman is attempting to say at the present time. A male Chinese or Japanese citizen in California who goes to China and there marries a native wife——

Mr. MARTIN of Oregon. That is exactly what we want him to do. We do not want him to marry an American woman.

Mr. DIRKSEN. Under the existing law he can confer citizenship upon his children, but he cannot bring his wife back. That is the statement of existing law. Under the same law a Chinese girl who is a citizen of this country may go to China, marry a native over there, can bring him back, but she cannot bring her children back to this country. All that is sought to be done is to prevent the Chinese or Japanese American citizen from going over and marrying a native and conferring nationality upon the children of the union. There is not a great deal involved.

Mr. MARTIN of Oregon. No; it is only a play on prejudice.

Where I say the proviso contracts the rights which these orientals have now is in the fact that the father can bring his child back to this country with his Chinese wife, but under this fool proviso both the father and the wife have to be American citizens. You contract the rights of these orientals in that you require both of them to be American citizens.

I hope the committee will do the square thing about this proviso and offer an amendment striking it out of the bill.

[Here the gavel fell.]

Mr. TAYLOR of Tennessee. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BURNHAM].

Mr. BURNHAM. Mr. Chairman, I am heartily in favor of legislation, just legislation, adequate legislation, covering the matter of immigration, although I happened to squeak in before this country had adopted any immigration laws.

I had intended to discuss the phase of the situation so ably covered by my distinguished colleague from Pennsylvania [Mr. McFADDEN], but I will let it suffice to read an excerpt from a letter which I received from a Chinese citizen, a very good friend of mine and a very able fellow. He says:

Many thanks for your prompt reply to our telegram of April 12 relative to the Dickstein bill, H.R. 3673.

The primary purpose of this bill is to complete provisions of the Cable Act of 1922 so as to establish complete equality between American men and women in the matter of citizenship for themselves and for their children. But the provision in the first paragraph of the bill takes away the American citizenship of foreign-born children whose parents are not both American citizens, and this applies directly to the Chinese-American citizens.

There is the crux of the whole thing. He goes on as follows:

An American citizen of Chinese descent is virtually forced to go back to China to seek a mate of his own race because the limited number of Chinese women in the country does not supply the demand. Moreover, our people are opposed to interracial marriages. In fact, the laws of 11 States forbid interracial marriage. The Immigration Act of 1924 has definitely excluded Chinese wives of American citizens because the spouse is an alien ineligible to citizenship. When one of our citizens goes to China to marry he must leave his wife there; consequently the children of such couples are born in China.

If I have made myself clear, Mr. BURNHAM, I trust that you can see that the subject provision in paragraph 1 of the Dickstein bill is highly discriminatory and will work great hardship to the American citizens of the Chinese race.

[Here the gavel fell.]

Mr. TAYLOR of Tennessee. Mr. Chairman, I yield the gentleman one half minute.

Mr. BURNHAM. May I say that I have discussed this matter with one of the able Under Secretaries of State, who informs me that there is a committee of 1 person from the State Department, 1 from the Department of Justice, and 1 from the Department of Labor who are formulating at this time a bill which they hope to present to the Congress at this session, and the State Department is opposed to this Dickstein bill.

Mr. MILLARD. Who said that?

[Here the gavel fell.]

Mr. BURNHAM. One of the under secretaries of State.

Mr. MILLARD. That is not so, because we have a letter here showing they are in favor of it.

Mr. KRAMER. May I inform the gentleman that the State Department has assisted in the writing of this measure?

Mr. Chairman, in reply to the gentleman from California, I will quote from a memorandum sent me by the Under Secretary of State only a few days ago, wherein he states with reference to H.R. 3673 as follows:

Needless to say, the provision of the bill quoted above is very confusing. This confusion is due to faulty drafting and perhaps some confusion of thought.

Mr. TAYLOR of Tennessee. Mr. Chairman, I yield the remainder of my time to the gentleman from California [Mr. ELTSE].

Mr. ELTSE of California. Mr. Chairman, I ask unanimous consent to speak out of order on the processing tax, or the jute tax in particular, and also to extend my remarks in the RECORD and include as a part of my remarks the application of the California Farm Bureau Federation for a reduction or a recession of the tax on jute bags.

Mr. WEIDEMAN. Mr. Chairman, what is the request of the gentleman from California?

The CHAIRMAN (Mr. RANDOLPH). The gentleman from California asks unanimous consent to speak out of order and to extend his remarks by including therein the application of the California Farm Bureau Federation before the Agricultural Adjustment Administration.

Mr. WEIDEMAN. I have no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

PROCESSING TAXES—JUTE TAX

Mr. ELTSE of California. Mr. Chairman, a great injustice is being imposed upon all the farmers in the northern and western portions of the United States, and particularly upon those of the great Northwest, through the medium of the jute tax. The farmers of these areas are subsidizing the cotton growers.

Along with the senior Senator from Idaho [Mr. BORAH] and the senior Senator from California [Mr. JOHNSON] I confess my chagrin in finding that Congress has delegated its taxing power to a single official—the Secretary of Agriculture, contrary to section 8 of article I of the Constitution, which provides "that Congress shall have power to lay and collect taxes."

Congress delegated this power, under the provisions of the Agricultural Adjustment Act, whereunder it is provided:

PROCESSING TAX

SEC. 9. (a) To obtain revenue for extraordinary expenses * * * there shall be levied processing taxes as herein provided. When the Secretary of Agriculture determines that rental or benefit payments are to be made with respect to any basic agricultural commodity, he shall proclaim such determination, and a processing tax shall be in effect with respect to such commodity from the beginning of the marketing year thereof next following the date of such proclamation.

It is to be noted from this section that this processing tax attaches to a declared basic agricultural commodity, but that is not half the story. The taxing arm of the Secretary of Agriculture was lengthened to a startling degree by a later provision in the act. What appeared to be a comparatively harmless provision is now proving to be a heavy and sharp weapon in the hands of the Secretary of Agriculture. By his dictum a tax aggregating millions and millions of dollars is being imposed upon the American farmer.

Under section (d) of section 15 of the act to which I have referred it is provided:

The Secretary of Agriculture shall ascertain from time to time whether the payment of the processing tax upon any basic agricultural commodity is causing or will cause to the processors thereof disadvantages in competition from competing commodities by reason of excessive shifts in consumption between such commodities or products thereof. If the Secretary of Agriculture finds, after investigation and due notice and opportunity for hearing to interested parties, that such disadvantages in competition exist, or will exist, he shall proclaim such finding. The Secretary shall specify in this proclamation the competing commodity and the compensating rate of tax on the processing thereof necessary to prevent such disadvantages in competition. Thereafter there shall be levied, assessed, and collected upon the first domestic processing of such competing commodity a tax, to be paid by the processor, at the rate specified, until such rate is altered pursuant to a further finding under this section, or the tax or rate thereof on the basic agricultural commodity is altered or terminated. In no case shall the tax imposed upon such competing commodity exceed that imposed per equivalent unit, as determined by the Secretary, upon the basic agricultural commodity.

We find then that on December 1, 1933, the Secretary of Agriculture imposed a tax, under the guise of a compensating tax, on jute fabric amounting to 2.9 cents per pound on the first domestic processing of jute fabric into bags. The reason given for imposing this tax was—

That the payment of the processing tax upon cotton is causing, and will cause, to the processors thereof, disadvantages in competition from jute fabric and jute yarn, by reason of excessive shifts in consumption between such commodities or products thereof.

Excessive shifts from the use of cotton to jute bags is alleged to be the reason for the imposition of the tax. In equity jurisprudence there is a maxim that where the reason for the rule fails the rule also fails. In this matter the reason for the tax fails, therefore, the tax should be removed. There have been and will be no excessive shifts.

This processing tax has become oppressive to the people of the State of California and the Pacific Northwest. They consider it illegal, unjust, and discriminatory. By it the farmers of California will be burdened with a tax of close to $900,000 a year, the potato growers of Idaho with $275,000, Colorado farmers with $100,000 per year, the farmers of Washington with $6 for each car of vegetables and $8 to $10 on each car of grain. All of this money in most cases is not returned to the distressed farmers, but must come out of their pockets. Fortunately I am in a position to let these farmers speak for themselves. From the California Farm Bureau Federation I have just received a copy of its application filed with the A.A.A. requesting the elimination of the processing tax on burlap bags used for agricultural commodities. Shortly I shall ask leave to insert in the RECORD a portion of this application as a part of my remarks, but before I do so I here make special appeal to the 50 Members from California, Idaho, Maine, Montana, Nevada, North and South Dakota, Oregon, Utah, Washington, Wisconsin, and to the Members from other States where jute bags are used for agricultural commodities to carefully read and digest this application and irrefutable arguments. I would also call your attention to the able statements of Senators JOHNSON and BORAH appearing in the RECORD on pages 5892 to 5896. Your constituents are vitally concerned, and if you would render them a real service, you will go into action, and you may depend upon me to be in the fight with you.

At this point, Mr. Chairman, I ask leave to insert a portion of the application referred to in the RECORD.

BEFORE THE UNITED STATES DEPARTMENT OF AGRICULTURE, AGRICULTURAL ADJUSTMENT ADMINISTRATION

APPLICATION FOR THE ELIMINATION OF THE PROCESSING TAX ON BURLAP BAGS USED FOR AGRICULTURAL COMMODITIES, FROM JUTE REGULATIONS MADE BY THE SECRETARY OF AGRICULTURE, WITH THE APPROVAL OF THE PRESIDENT, UNDER THE AGRICULTURAL ADJUSTMENT ACT, EFFECTIVE DECEMBER 1, 1933

Application of the California Farm Bureau Federation

Interests represented by applicant

The California Farm Bureau Federation is an incorporated, voluntary, mutual, nonprofit association, representing all agricultural interests within the State of California. It is organized for the purpose of protecting the economic, social, and educational interests of farmers; it is nonpartisan in its viewpoint, and is equally sympathetic toward all branches of agriculture.

Regulation complained of

On December 1, 1933, Mr. H. A. Wallace, Secretary of Agriculture, in pursuance of the authority vested in him by section 15 (d) of the Agricultural Adjustment Act, approved May 12, 1933, imposed a processing tax on jute fabric amounting to 2.9 cents per pound on the first domestic processing of jute fabric into bags. The reason given for imposing this tax was "that the payment of the processing tax upon cotton is causing, and will cause, to the processors thereof disadvantages in competition from jute fabric and jute yarn, by reason of excessive shifts in consumption between such commodities or products thereof."

Since the date this tax was first levied, numerous complaints of unfair discrimination against them have been filed with us by growers of various agricultural commodities. These farmers have

requested us to present their views to the administration, in the hope that either it would grant immediate relief on the basis of the facts herein presented, or would set a further hearing in this matter on the Pacific coast at an early date.

The effect of the compensatory jute tax on western agriculture

The compensatory tax based on jute fabric manufactured into bags has imposed a great burden upon farmers in the Pacific Northwest without corresponding benefits to the cotton branch of the industry. Barley, beans, grain sorghums, nuts, oats, onions, peas, potatoes, rice, and wheat are all grown in large quantities throughout this area, and are now and always have been moved in burlap bags. Bulk handling of these commodities is not extensively practiced in the rural sections of the Pacific Northwest and it is, therefore, customary to sell these agricultural products in burlap bags, usually of 100-pound capacity or greater. The selling price of grain, beans, rice, etc., is based on the delivery of the product in a bag, and in those rare cases where the commodities are delivered in bulk, the cost of a suitable burlap bag is deducted from the current price paid the farmer.

The producers of each and every one of these commodities has suffered from extreme price recessions during the past 4 years, and the amount of economic recovery to date in many instances is much less than that now attained by cotton growers.

Table I, next following, shows the farm prices paid during the past 5 years for the principal California farm commodities using bag containers. It shows that for each of these commodities the price recovery is far from being accomplished. Table I shows further that the cost of the customary burlap container has been so increased by the so-called "compensatory tax" that it now costs practically the same or more than it did during the year of highest farm prices during the period in question. There is, therefore, no justification for the assessing of this tax on the ground of "ability to pay", nor is there any legal ground within the Agricultural Adjustment Act on which this exaction may be based.

TABLE I.—*Variation in Dec. 1 farm prices of principal California commodities using bags*

Crop	Unit	Price in dollars					Price of crop in 1933 in percent of 1929 price	Present price of burlap bags in percent of 1929 price
		1929	1930	1931	1932	1933		
Barley	Bushels	0.70	0.48	0.49	0.25	0.42	60	124
Beans	Hundredweight.	4.90	4.80	3.50	2.85	3.50	71	96
Grain sorghum	Bushels	1.00	.70	.60	.40	.51	51	124
Oats	do	.61	.43	.36	.29	.38	62	[1] 100
Potatoes	do	1.40	1.10	.72	.56	.71	51	89
Rice	do	1.05	.83	.56	.36	.74	70	124
Wheat	do	1.20	.85	.65	.59	.69	57	124
Almonds	Ton	480.00	200.00	176.00	165.00	186.00	39	97
Walnuts	do	320.00	410.00	233.00	222.00	202.00	63	97
Onions	Bushels	.77	.57	.76	.20	.59	77	99
Peas	do	1.85	1.59	1.60	1.37	.90	49	[1] 100

[1] Estimated.

The processing tax on jute applicable to bags used for the agricultural commodities named in table I is unreasonable, unfair, and unjust. Section 5 (d) of the Agricultural Adjustment Act, which is the authority relied upon by the Administration for the levying of this tax, states: "The Secretary of Agriculture shall ascertain from time to time whether the payment of the processing tax upon any basic commodity is causing or will cause to the processors thereof disadvantages in competition from competing commodities by reason of excessive shifts in consumption between such commodities or products thereof."

Regardless of the relationship between the price of cotton and burlap, these agricultural commodities have always moved in burlap bags if the quantity exceeded 50 pounds. Obviously, since cotton bags never have been used for these crops (except in an insignificant amount for experimental purposes), regardless of the extremely low cotton prices which have obtained in the past, there can be no justification for assuming that there has been or will be a "shift in consumption" resulting from a process tax being placed upon cotton. The application of a tax on bags used for these purposes is, therefore, a clear violation of the intent of the act and merely results in burdening agriculture with higher costs of production.

Farmers growing most of the commodities named are not receiving Government assistance, except in a limited way; and since there have been no important price recoveries, these growers find themselves in the dangerous position of being between a nether stone of rising production costs and a stationary upper stone of farm-commodity prices. They are not only unwilling to pay the tax because it is unfairly assessed, but also because they are unable to do so. Some relief is being sought through the reuse of old bags. The majority of growers, however, are forced through trade and operating practices to use new bags, and for them there is no escape from the tax.

It is impossible under present economic conditions for these farmers to pass this tax on. They are faced with the problem of overproduction or failure of markets to absorb normal amounts. They are in most cases getting little if anything above out-of-pocket costs. This tax is, therefore, a direct levy upon returns to growers which are already insufficient to maintain economic existence.

Agricultural relief cannot be accomplished by taxing one portion of agriculture in order to assist another. Since cotton bags have never been used on the Pacific coast (nor elsewhere in the United States in recent years for containers of the commodities mentioned), a "compensatory tax" levied on burlap bags used for agricultural purposes is unreasonable, and in effect becomes merely a revenue tax placed upon agriculture generally for the benefit of one group, namely, cotton.

The tax on burlap bags used by agriculture is not legally assessed. It is levied in direct violation of the clear and unmistakable intent of the act. It reduces the purchasing power of farmers without widening the market for his products. This is clearly in contradiction of the purposes plainly stated in section 2 of the Agricultural Adjustment Act, which are to establish and maintain such balance between production and consumption of agricultural commodities and such marketing conditions therefor as will reestablish prices to farmers at a level that will give agricultural commodities a purchasing power with respect to articles that farmers buy equivalent to the purchasing power of agricultural commodities in the base period (Aug. 1909–July 1914).

The unfairness of the tax on bags used by other branches of agriculture than cotton is further accentuated by the fact that the cotton industry has been exempted from a tax on the jute which it uses for bagging cotton. The jute regulations also were so drafted that burlap bags used for wool were exempted. Cotton bagging or cotton bags for wool had never been used in the past for either of these purposes, and the administration quite properly gave recognition to this fact in the regulations. Growers of grain, beans, potatoes, onions, and nuts can see no reason for not being given the same recognition. The facts relating to their use of burlap bags are identical with those of cotton and wool. California farmers on the average use annually about 44,000,000 burlap bags for purposes for which cotton has never been used. The processing tax on the jute fabric used in their construction constitutes under present economic conditions a very real burden. The tax totals for California alone close to $900,000 per year. It touches practically every branch of agriculture practiced in this State. Table II shows the number used, and the tax burden by commodities.

Factors governing the use of jute bags

As has already been pointed out, jute bags have been used in the Pacific Northwest exclusively for bagging certain agricultural commodities. The reasons for the choice of burlap are not the same for each commodity, but they all point to the conclusion that there has been and will be no shift from jute to cotton, unless the so-called "compensatory tax" is increased to such a point as to actually make the use of jute impossible.

Each of the principal commodities will now be considered.

Barley, rice, grain sorghums, and wheat are almost exclusively handled in burlap bags throughout the Pacific Northwest. There is a small amount of bulk handling, but even in this case, as previously mentioned, the selling price is based on the cost of placing the grain in bags by the purchaser. Grain in bags is customarily stored in high piles in warehouses. It is necessary, due to trade practices, to sample each sack. For this purpose a metal tryer is inserted through the fabric. When the tryer is removed the hole in a burlap bag tends to close up without tearing. A cotton bag, on the other hand, will not stand this practice unless made of exceptionally heavy fabric.

TABLE II.—*Number of burlap bags used annually by California agriculture and the present jute-processing-tax burden on commodities using burlap exclusively*

Commodity	Number of burlap bags used	Tax per bag (cents)	Total tax paid
Alfalfa meal	1,500,000	2.731	$40,965
Barley	14,400,000	2.20	316,800
Beans	4,000,000	2.217	88,680
Cottonseed meal	600,000	(1)	
Mill feeds	1,600,000	2.096	33,536
Mixed feeds	1,000,000	2.096	20,960
Grain sorghums	1,350,000	2.20	29,700
Almonds	380,000	2.731	10,378
Walnuts	600,000	2.731	16,386
Oats	1,000,000	(1)	
Onions	1,200,000	1.798	21,576
Peas	900,000	(1)	
Potatoes	7,000,000	1.676	117,320
Rice	3,200,000	2.20	70,400
Wheat	5,700,000	2.20	125,400
Total, including seconds	44,430,000		892,101
Total, excluding seconds	41,930,000		892,101

[1] Seconds.

Suitable cotton bags are now and always have been too costly for this purpose. Piles made of cheap cotton bags would soon break down, owing to leakage under the usual operating practices.

The cost of a cotton bag capable of standing customary uses would be about double the cost of a satisfactory burlap bag.

Jute grain bags are not reused for rice, wheat, barley, or beans; and since they are considered as part of the cost of production, it is essential that as cheap a bag be used as possible. Bags of grain when exported are deliberately "bled" after loading into the ship so that the cargo will load better. Obviously, only cheap bags could be used under such circumstances.

The same size and weight of bag are used for barley, rice, and wheat and grain sorghum. It is of a special size (22 inches by 36 inches) and made of 10-ounce burlap. It holds from 100 to 120 pounds, depending upon the commodity. This size of bag was developed through long experience because it lent itself more readily to piling than the sizes used for other commodities. Only burlap bags have ever been used for these commodities.

Onions in this section are customarily moved in burlap bags of two sizes—18 inches by 32 inches and 24 inches by 37 inches—made of 5½- or 8-ounce burlap, and will hold 50 pounds and 100 pounds of onions, respectively. No cotton bags are used for this purpose.

Potatoes also require a cheap bag as the container is considered a part of the cost of production. The weight of the container is deducted from the gross weight in determining the price paid for all agricultural commodities. Except for a very small quantity of cotton bags used experimentally, jute bags have been, and are now being, used exclusively. For this purpose, a bag 23 by 36 inches made of 8-ounce burlap and capable of holding 100 pounds of potatoes is the customary container.

For walnuts and almonds, burlap bags made of 10-ounce burlap 30 by 40 inches, having a capacity of 100 pounds, are used almost exclusively. A few bags of a smaller size have been used, mainly for advertising purposes or as holiday specials, but these also have been made of burlap. No cotton bags are used for nuts.

Peas and oats move almost entirely in second-hand burlap bags. Cotton bags are never used for this purpose. A processing tax on new bags, however, has increased the cost of second-hand bags materially. These crops are, therefore, also affected.

TABLE III.—*Data relating to the use of bags by the agricultural industry in California*

Commodity	Kind of bag used	Size of bag used (inches)	Weight of material (burlap) (ounces)	Nominal capacity of bag (in pounds of commodity)	Cost of burlap bag in 1929 (per 1,000)	1934 cost of burlap bag (including tax)
Alfalfa meal	Burlap	30 by 45	7½	100	$155.00	$135.31
Barley	do	22 by 36	10	100	95.00	118.25
Beans	do	19½ by 34	12	100	118.75	114.67
Cottonseed meal	Burlap (seconds)					
Feeds (mixed)	Burlap	22 by 36	9, 10	100	123.50	109.46
Do	Cotton	23 by 36		100	(1)	120.00
Mill feed	Burlap	23 by 36	9, 10	100	123.50	109.46
Fertilizer	do	21 by 36	9	100	97.00	89.25
Grain sorghum	do	22 by 36	10	120	95.00	118.25
Nuts (almonds and walnuts).	do	30 by 40	10	100	178.00	172.34
Oats	Burlap (seconds)					
Onions	Burlap	18 by 32	5½	50	73.14	72.00
Do	do	24 by 37	8	100	110.00	108.63
Peas	Burlap (seconds)					
Potatoes	Burlap	23 by 36	8	100	101.00	90.16
Rice	do	22 by 36	10	100	95.00	118.25
Wheat	do	22 by 36	10	120	95.00	118.25

[1] Practically none sold.

Bags used for feeds (mixed and mill) are ordinarily made of 9- or 10-ounce burlap 23 by 36 inches, having a capacity of 100 pounds. A few of these bags are made of cotton where it is desired to use a fancy brand. For the usual run-of-mill feeds, however, the burlap bag is used almost exclusively, as it is entirely satisfactory and always has been a cheaper container than a suitable bag made of cotton. It will be noted that in this category, the size of the bag is different from that used for other commodities which used jute exclusively.

Fertilizers ordinarily move in 9-ounce burlap bags 21 by 36 inches, having a capacity of 100 pounds.

Alfalfa meal is handled exclusively in burlap bags constructed of 9½-ounce burlap, 30 by 45 inches, having a capacity of 100 pounds.

A summary of data relating to the use of bags by the agricultural industry in California is given in table III.

The use of bags in California, as indicated in table III, appears to be similar to that in other parts of the country for the commodities considered. The use of burlap bags for handling grain is, however, a method peculiar to the Pacific Northwest. In other parts of the country the other commodities named used burlap bags for the same reasons as they are used in California.

Character of relief sought

The definition of "bags" contained in the jute regulations complained of herein is unreasonable, unjust, and discriminatory to the entire agricultural industry, excepting growers of wool and cotton. We, therefore, earnestly urge the administration to grant relief to growers of other agricultural commodities in one of the following ways, or in such other manner as the administration in its judgment may deem advisable:

(1) By removing the 2.9 cents per pound processing tax on all jute bag containers having a nominal capacity of 50 pounds or more.

(2) Abate the processing tax on both cotton and burlap bags having a nominal capacity of 50 pounds or more.

(3) Remove the processing tax on burlap bags having a capacity of 50 pounds or more when used as containers of alfalfa meal, barley, beans, fertilizer, grain sorghum, nuts, onions, potatoes, rice, and wheat.

The first suggestion will grant relief to those growers of agricultural commodities who do not use cotton bags without prejudicing the use of cotton bags except to a very limited extent. It is unreasonable to penalize farmers who use burlap bags exclusively merely because 1 percent to a maximum of 25 percent, in some cases, of the total bags manufactured of a certain size happen to be made of cotton, particularly when in most of the cases the cotton bag would be used, regardless of the price of burlap. Likewise, it is unjust to farmers to penalize them in order to hold for cotton so small a portion of the total bag business, if this business has been obtained owing to cotton prices being so low as to actually fail to pay costs of production. The loss of such business to burlap could not be deemed an excessive shift.

In order to present a broader picture of the effect of suggestion number (1), we have prepared a tabulation showing the total number of cotton and burlap bags used in the United States having a capacity of 50 pounds or greater. While in some instances it has been necessary to estimate the quantity of bags of a certain size used for a commodity, these estimates are usually of such small magnitude as not to affect materially the accuracy of the statement.

Out of approximately 560,000,000 bags, less than 20 percent as a maximum could possibly be considered as being competitive. Assuming for the moment that they are all competitive, then it appears that the administration has levied a tax on agriculture of over $11,000,000 in order to collect a tax of $2,000,000 on bags which might be deemed taxable under the law. It is also a fact that included in this $11,000,000 of tax is a levy of $4,500,000 on burlap bags which never were in any manner or degree competitive with cotton.

In arriving at the $2,182,600 tax on so-called "competitive bags", the tax was applied to all cotton bags in the class. Obviously, many cotton bags are used for purposes for which burlap is not suitable, and these are, therefore, noncompetitive and should be eliminated. A true picture would likely show that little over 10 percent of the bags listed are actually competitive. A $9 unjust tax should not be levied in order to collect $1 that may be due.

The second proposal is offered if in the opinion of the administration processors of the small percentage of cotton bags used for containers having a capacity of 50 pounds or more should be fully protected against any possible shift in consumption. Again, we insist that this should not be done at the expense of other branches of agriculture which use enormous quantities of burlap bags exclusively. Full protection for cotton processors can be obtained by abating the tax on the small quantity of cotton bags used in the classification of 50-pound capacity and over without jeopardizing the interests of cotton growers or other agricultural commodities.

The third suggestion will entirely meet the requirements of Pacific coast agriculture. It does not in any way injure the cotton interests or the working of the cotton plan. It fully complies with the Agricultural Adjustment Act. Section 15 (d) of the act does not specify the means of applying a compensatory processing tax. The suggestion merely goes one step further than the exemptions now permitted under present jute regulations, which defines bags as "bags are all bags less than 6 feet in length and less than 3 feet in width made from jute fabrics." We ask merely that the regulations be modified so as to properly exempt all those commodities which have been heretofore moved exclusively in jute containers. We are asking for California agriculture the same treatment that has been accorded to cotton and wool growers; namely, the recognition of the fact that where a commodity has moved practically 100 percent in jute containers in the past it is entitled to be exempted from the payment of a compensatory tax on the grounds that there has been and will be no shift from the use of cotton to jute.

We most earnestly urge your careful consideration of the matters set forth in this application * * *. We ask that if possible immediate relief be granted by the removal of the tax on jute bags, which are not now and never have been competitive with cotton bags, and that if this action is not possible without a hearing, that such hearing be granted at the earliest possible date and be held in San Francisco, so that western agriculture may appear and be fully heard.

Dated at Berkeley, Calif., this 31st day of March 1934.

Respectfully submitted.

CALIFORNIA FARM BUREAU FEDERATION,
By R. W. BLACKBURN, *President*.

TABLE IV.—*Amount of taxes collected on noncompetitive jute bags compared with amount collected on competitive cotton bags*

Commodity	Approximate number of bags of 50-pound capacity or greater	Percent of bags		Number of bags in—		Processing tax on competitive bags [1]	Compensatory tax on—	
		Competitive with cotton	Noncompetitive with cotton	Competitive class	Noncompetitive class		Noncompetitive jute bags [1]	Jute by commodity using no cotton
Mill feed	137,000,000	[2] 6	94	8,000,000	129,000,000	$160,000	$2,580,000	
Mixed feed	98,000,000	[3] 52	48	51,000,000	47,000,000	1,020,000	940,000	
Fertilizer	73,000,000	0	100		73,000,000		1,460,000	$1,460,000
Potatoes	71,000,000	0	100		71,000,000		1,420,000	1,420,000
Wheat and barley	40,000,000	0	100		40,000,000		800,000	900,000
Onions	[4] 14,000,000	0	100		14,000,000		280,000	280,000
Chemicals	[5] 7,000,000	0	100		7,000,000		140,000	140,000
Sugar balers	30,000,000	4	96	1,200,000	28,800,000	24,000	576,000	
Sugar bags	6,000,000	[2] 3	97	180,000	5,820,000	3,600	116,400	
Coffee	4,600,000	0	100		4,600,000		92,000	92,000
Rice	8,000,000	0	100		8,000,000		160,000	160,000
Flour	[6] 65,000,000	[3] 75	25	48,750,000	16,250,000	975,000	325,000	
Total	564,000,000			109,130,000	455,470,000	2,182,600	9,109,400	4,572,000

[1] Based on average of 2-cent tax per bag.
[2] Percent of bags actually made of cotton considered competitive because field has always been predominated by burlap, even with cotton at extremely low prices.
[3] For the purpose of this table, the entire number of cotton bags sold are assumed to be competitive with burlap, although obviously a much smaller proportion should be used.
[4] Open-mesh cotton bags are competitive with paper, but not burlap, so are excluded from table.
[5] Cotton and paper bags are used only for small containers.
[6] 98-pound and 140-pound bags only. No burlap 50-pound bags used for flour.

Mr. DICKSTEIN. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. MARLAND].

Mr. MARLAND. Mr. Chairman, I ask unanimous consent to speak out of order on subsistence homesteads.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MARLAND. Mr. Chairman, ladies and gentlemen of the Committee, last week with your unanimous consent I addressed you on the subject of State cooperation in our national recovery program, calling your particular attention to one phase of the recovery program in which our States could best assist—that is the program to provide our unemployed with subsistence homesteads.

I again solicit your attention to the same subject, as it is of pressing moment to every State in the United States.

During the past winter we had as high as 3,350,000 families receiving unemployment relief from the National Government.

An average of 11 percent of all the families in the United States were unfortunate victims of unemployment.

One State was fortunate enough to have only 2 percent of its families on the relief rolls. Other States had as high as 27 percent of their families living on the allowance provided by the Federal Relief Administration.

My fellow members of the Committee, think of this for a moment.

The Federal Emergency Relief Administration took care of as many as 15,000,000 of our fellow citizens at one time last winter, and 11 percent of our population was on the relief rolls for many months.

We represent these people in Congress as well as our more fortunate constituents.

It is unthinkable what would have happened to them had not provision been made by this Congress in the appropriations to the Public Works Administration and the Federal Relief Administration.

I cannot imagine wholesale famine in our land of superabundance.

But, with all our wise provision and the excellent work of our Federal agencies, we still witnessed much deprivation, destitution, and near-starvation.

In spite of all we have done under the National Recovery Act to promote national recovery—compelling shorter hours of work, to spread the work and to effect higher wages in industry—and in spite of the public work being done by the Public Works Administration, we still have over 10,000,000 men and women out of employment.

We still have over 3,000,000 families without proper means of support.

There can be no doubt that we must use every effort possible to provide employment for these families.

National policy, national safety demand it, and common humanity compels it.

Most of this unemployment today is in the cities of our country, the big cities and small towns.

This is the result of the great migration of our people from the farms to the cities which occurred as a consequence of the World War.

This migration began in 1914 and continued for 15 years, in which time over 20,000,000 American people moved from rural America to urban America.

I described this movement to you and its causes at some length last week and will not dwell upon it now.

Ten million of these people are still in our cities and towns and are unemployed.

With improved machinery in our mills, with mass production and labor-saving devices there is little prospect of their being needed again in productive occupations.

In fact, I can see no hope for their ever being productively employed in our cities, unless we should again have a great war, calling for the speeding-up of industry in the manufacture of war munitions.

To my mind, the one and only obvious solution for their problem is to return them to rural environment—return them to agricultural pursuits whence they came when they were called to meet the war-time demand for labor in the cities and the demand for labor which followed the war in the years of the building boom.

It is no small undertaking to return 3,000,000 families to the country; place every one of them on a little self-supporting farm, with fertile acres, a small house, a cowshed, a piggery, a hennery, and get each family settled in comfort and self-supporting independence.

But this is the very thing that must be done.

In the long run it will be much less expensive than trying to support them in idleness in the cities.

Four billion dollars, plus a lot of planning, plus good executive ability and hard work will get the job done, and will establish these people as self-supporting, self-respecting American families.

To feed, clothe, and shelter them in idleness in the cities would cost that much and more every 3 years.

It is a great undertaking. Every State in the Union must do its part; must cooperate in the establishment of subsistence homestead projects.

In some States the problem will be less difficult than in others.

In my State, while we had as high as 150,000 families on relief rolls last winter, I do not believe there are over half that many today, and some of these are on single-crop farms, where their poverty has resulted from either crop failure or low prices of their crops.

These destitute farmers must be rehabilitated; the size of their farms reduced, by purchase, in some cases; their planting diversified; their farm restocked; their houses repaired; new tools, machinery, clothes, shoes, and seed provided.

Probably not more than 50,000 families in my State now living in cities and towns need be returned to farms.

But something near that number should be furnished subsistence homestead farms as soon as possible, for they can find no employment where they are, and we are feeding them in idleness.

They need a 5- to 40-acre farm, depending upon its location and character—with a house, tools, machinery, livestock, seed, and some guidance to make them self-supporting.

These families can and will pay for these homesteads—over a period of years—20 years—and neither Nation nor State need be out one penny as a result of these subsistence homestead projects.

In fact, every State and the Nation will be richer thereby—to the extent of millions of happy, independent, self-supporting citizens.

Members of the Committee, you will all leave Washington shortly to return to your homes in your several States. There are 435 of us from 48 States.

Let us each make ourselves fully familiar with the developments up to date in the Division of Subsistence Homesteads in the Department of the Interior before we leave Washington. Let us know what they have done; what they are doing—what projects are under way in each State and what has been learned in the development of each of these projects.

When we get home, let us tell our people of the important place of subsistence homesteads in our national economy.

Let us urge the election of State officers from Governor down—State legislators, senators and representatives, county officials—who understand, sympathize, and are prepared to cooperate with this great and necessary national movement.

This back-to-the-land movement must succeed, or we are all lost.

We cannot continue long with 10,000,000 of our people unemployed.

No nation can exist with that percentage of its people pauperized.

Poverty must be reduced to the vanishing point, if not entirely banished.

Mr. Chairman and members of the Committee, I urge you, each of you, to put your shoulders to the wheel and help in this undertaking.

Your great opportunity to help lies in preaching the doctrine that subsistence-homestead planning has a great place in our national economy as a solution for part of our unemployment problem and to preach that it is the duty of Governors, State officials, and legislators to cooperate in their several States with the National Government in the developments of such national projects and their duty at the same time to go ahead with State economic planning for subsistence-homestead projects of their own.

In some States this can and should be supplemented by the building of small industries in conjunction with homestead projects—small industries, little factories—using the natural resources of the State to manufacture things for home consumption and furnishing employment to the homesteaders.

We here in Congress may differ at times somewhat in our ideas as to national industrial planning and agricultural planning. I personally do not feel that all our legislation has been wise.

But surely there can be no difference of opinion among us as to the desirability, the necessity of adopting the program for establishing subsistence homesteads, returning these poor, stranded fellow citizens of ours back to the land, where they may enjoy the fruits thereof, produced by the sweat of their brows.

These good, unfortunate Americans do not want to continue to eat the bread of idleness forever. They want only the chance to earn their livelihood.

It is up to us—every one of us—to see that they get that opportunity.

Mr. Chairman, this is probably the last occasion upon which I, as a Member, will address you and this House.

I am not a candidate for reelection to Congress—I will not be back with you next year.

I am offering myself to the people of Oklahoma as a candidate for Governor of the State.

I am doing this because I feel that as chief executive of my State I can best put my long years of business training and experience at their service.

The subsistence-homestead development must be encouraged in Oklahoma.

Fifty thousand families in our cities need the opportunity to earn their own living on the land.

The single-crop farmer must be aided to diversify his crops, and cooperative marketing must be provided for his surplus.

Small industries must be fostered and encouraged to develop our natural resources.

We need cotton mills, garment factories, flour mills, canneries, glass factories, furniture factories, tanneries, harness and shoe factories, and others too numerous to mention.

And we have the raw material to supply these plants with cheap fuel—coal, oil, gas—in abundance.

We must develop small natural-resource industries in Oklahoma to make our State more self-contained.

Manufacturers in large cities who are planning to move their plants would do well to study the natural resources of Oklahoma.

We are preeminently an agricultural and oil-producing State. Nearly everything we produce we ship out of the State, and nearly everything we consume we ship in. This must be corrected. We must have a better balance between agriculture and industry.

Oklahoma labor has produced from its soil in the past 30 years products which sold for over $12,000,000,000 and spent more than its income in the purchase of manufactured products of other States.

Mr. Chairman, I will no longer detain the House with a discussion of Oklahoma's economic problem.

I will only say that I am leaving the House, where I have enjoyed my work and the friendship of my coworkers, to run for Governor, because the financial and economic situation of my State is so grave and requires the type of business leadership I feel that I can supply.

We are one of the richest States of the Union in natural resources. We have produced billions of wealth and do still produce fabulously, but we are facing bankruptcy—State, county, municipal, as well as personal—because of bad government, lack of business management of State affairs, and entire failure of economic planning.

Oklahoma had 27 percent of its families on the Federal relief rolls at one time last winter.

Oklahoma produced last year enough food for 10 times her own population but could not feed her own. Seven hundred and fifty thousand citizens of Oklahoma ate the bread of national charity last winter, while wheat produced on Oklahoma farms made enough flour for 10,000,000 loaves of bread per day for other people.

Children were undernourished in Oklahoma last winter. Yet Oklahoma cows gave 8,000,000 pints of milk per day which was sold out of the State.

Mr. Chairman, it is these conditions I feel it is my duty to attempt to correct.

They must be corrected.

We cannot abide famine in our land of abundance.

If the people of Oklahoma will have me as their Governor, I expect to give the rest of my public life in their service.

And, consequently, Mr. Chairman, ladies and gentlemen of the Committee, I bid you good-bye and thank you for your attention.

CITIZENSHIP AND NATURALIZATION

Mr. DICKSTEIN. Mr. Chairman, general debate having been exhausted, I ask for the reading of the bill.

The Clerk read as follows:

Be it enacted, etc., That section 1993 of the Revised Statutes is amended to read as follows:

"SEC. 1993. Any child heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose father or mother at the time of the birth of such child was or is a citizen of the United States, is declared to be a citizen of the United States; but the rights of citizenship shall not descend to any such child unless the citizen father or citizen mother, as the case may be, has resided in the United States previous to the birth of such child."

The Clerk read the following committee amendment:

Page 1, line 5, after the word "child," strike out the words "heretofore born or."

The committee amendment was agreed to.

The Clerk read the following committee amendment:

Page 1, line 8, strike out the words "was or."

The committee amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Page 1, line 9, after the word "States", insert "*Provided*, That if one parent is an alien, such alien is not of a race ineligible to citizenship."

Mr. BLACK. Mr. Chairman, this committee amendment is one that several gentlemen have called attention to in general debate. The amendment discriminates against American citizens of oriental birth and generally discriminates against the oriental races.

As I said in general debate, I think in the interest of international comity the committee ought to vote down this particular amendment.

The CHAIRMAN. The question is on the committee amendment.

The question was taken; and on a division (demanded by Mr. BLACK) there were 57 ayes and 28 noes.

Mr. MARTIN of Oregon. Mr. Chairman, I make the point of order that there is no quorum present.

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

Mr. BLACK. Mr. Chairman, I demand tellers.

Mr. TABER. I make the point of order that the demand comes too late.

Mr. McFARLANE. Mr. Chairman, I make the point of order that the demand comes too late.

Mr. BLACK. Mr. Chairman, may I be heard? The Chair announced the result of the vote on the division, whereupon the gentleman from Oregon [Mr. MARTIN] made the point of no quorum. We have had no opportunity to ask for tellers.

The CHAIRMAN. The Chair thinks that the demand for tellers comes too late. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 4, after the word "child" insert "and unless the child, previous to his eighteenth birthday, returns to the United States and resides therein for at least 5 years continuously."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. MILLARD. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. MILLARD: Page 2, at the end of line 6, strike out the period and insert a comma and add the following: "and unless within 6 months after the child's twenty-first birthday he or she shall take the oath of allegiance to the United States of America as prescribed by the Bureau of Naturalization."

The CHAIRMAN. The question is on agreeing to the amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

The CHAIRMAN. The question now recurs upon the committee amendment as amended.

The committee amendment as amended was agreed to.

Mr. WEIDEMAN. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. WEIDEMAN: Page 1, line 7, after the word "mother", insert "or both", and on line 10, page 1, between the words "alien" and "such", insert the word "and."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

Mr. DIES. Mr. Chairman, may we have the amendment offered by Mr. MILLARD read again? Some of us did not hear it.

Mr. MARTIN of Oregon. That amendment has already been adopted.

Mr. DIES. Mr. Chairman, I ask unanimous consent that the amendment may be again reported.

The CHAIRMAN. Is there objection?

Mr. MARTIN of Oregon. Mr. Chairman, I object. We have already adopted it.

Mr. DIES. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. DIES: Page 2, line 4, after the word "child", strike out the following: "and unless the child, previous to his eighteenth birthday, returns to the United States and resides therein for at least 5 years continuously" and insert in lieu thereof the following: "and unless the child, in cases where one of the parents is an alien, comes to the United States and resides therein for a period of 5 years continuously previous to his eighteenth birthday."

Mr. DIES. Mr. Chairman, the purpose of this amendment is to clarify the doubt expressed by the State Department as to whether or not under the amendment as adopted by the committee the child would have to complete its residence of 5 years prior to its eighteenth birthday, or merely beginning, and in order to make it certain that the child would not only have to begin its residence prior to its eighteenth birthday but also complete it prior to his eighteenth birthday, this amendment is offered, so that there will be no doubt about it.

Mr. JENKINS of Ohio. What is the gentleman's interpretation as to how the amendment previously adopted, offered by the gentleman from New York [Mr. MILLARD] would fare. Where will that amendment be?

Mr. DIES. It will follow the amendment that I propose.

Mr. JENKINS of Ohio. Then it will have to be corrected, because Mr. MILLARD's amendment was to strike out the period after the word "continuously" and insert certain language.

Mr. DIES. I ask unanimous consent that the amendment offered by the gentleman from New York [Mr. MILLARD] be amended so as to apply after the words where they occur the last time, "eighteenth birthday."

The CHAIRMAN. Is there objection?

Mr. JENKINS of Ohio. As I understand it, that will make it readable and consistent?

Mr. DIES. Yes.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas, which the Clerk will again report.

The Clerk again reported the amendment offered by the gentleman from Texas.

Mr. KRAMER. Mr. Chairman, I offer an amendment to the amendment of the gentleman from Texas.

The Clerk read as follows:

Amendment offered by Mr. KRAMER to the amendment offered by Mr. DIES: After the word "following" insert the word "immediately."

Mr. DIES. Mr. Chairman, I will accept the modification.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The Clerk read as follows:

SEC. 2. Section 5 of the act entitled "An act in reference to the expatriation of citizens and their protection abroad" approved March 2, 1907, as amended, is amended to read as follows:

"SEC. 5. That a child born without the United States of alien parents shall be deemed a citizen of the United States by virtue of the naturalization of or resumption of American citizenship by the father or the mother: *Provided*, That such naturalization or resumption shall take place during the minority of such child: *And provided further*, That the citizenship of such minor child shall begin at the time such minor child begins to reside permanently in the United States."

Mr. DIES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DIES: Page 2, line 17, after the word "begin", strike out the word "at" and insert the following: "5 years after."

Mr. DIES. Mr. Chairman, the purpose of this amendment is to make the law in the case where the parents of the child are naturalized citizens the same as the law is in the case of native-born citizens.

The amendment was agreed to.

The Clerk read as follows:

SEC. 3. A citizen of the United States may upon marriage to a foreigner make a formal renunciation of his or her United States citizenship before a court having jurisdiction over naturalization of aliens.

With the following committee amendment:

Page 2, line 23, after the word "aliens", insert a comma and the following: "but no citizen may make such renunciation in time of war, and if war shall be declared within one year after such renunciation then such renunciation shall be void."

The committee amendment was agreed to.

Mr. DIES. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. DIES: On page 2, line 21, after the word "foreigner", add a comma and insert the following: "and upon declaration of intention to abandon residence in the United States."

Mr. DIES. Mr. Chairman, the purpose of this amendment is to comply with the suggestion of the State Department. Under section 3 this bill permits an American citizen to renounce his or her citizenship, even though such American citizen has no intention to permanently leave the United States. This amendment states not only that the American citizen must marry a foreigner before having the right to renounce citizenship but such citizen must declare that he or she intends to permanently abandon the United States. In other words, the State Department contends it bad policy to permit an American citizen just simply because of marriage to a foreigner to renounce his or her citizenship, even though he or she intends to reside in the United States. If he or she continues to live in the United States, the State Department suggests that such person ought not to be permitted to renounce allegiance and citizenship. If the person intends to leave the United States permanently, that is another matter, and the person should be allowed to renounce citizenship if he or she so desires. Of course, the amendment is not particularly important in view of my other amendment that has been adopted, which makes void such renunciation in case war is declared within 1 year thereafter.

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield long enough to have the amendment read again?

Mr. DIES. Certainly.

The Clerk again read the Dies amendment.

Mr. DIRKSEN. Mr. Chairman, I rise in opposition to the amendment.

I rather think the principle which the gentleman from Texas has in mind is perfectly all right, but I am afraid the amendment will cause difficulty. I admit that in ordinary practice anybody can go into a court of competent jurisdiction and renounce United States citizenship and under ordinary circumstances go to some other country; but let us take a concrete case. Suppose some gentleman comes from Germany or France as an attaché of the German or French Embassy in Washington and in the course of his assignment in this city, becomes enamored of and probably marries an American stenographer employed at the Embassy. As a matter of fact he is a citizen of another country. It might easily be that by virtue of the fact that she retains her nationality and her citizenship in the United States while he is a citizen of another country, in the event he should die during his service in this country, a penalty would be visited upon his wife and perhaps the children of the marriage, if there were any, so far as property rights are concerned. Foreign law might, and often does, deny succession to property rights, to an alien.

Mr. DIES. The gentleman does not understand. This applies only to the case where an American citizen wants to renounce his or her citizenship.

Mr. DIRKSEN. But in the case I am using as an illustration, so far as property rights are concerned, it might be necessary for the American woman to renounce her citizenship in this country, in order to inherit; yet she would not want to leave the country so long as her alien husband was assigned to duty here.

Mr. DIES. She would not want to renounce her citizenship while she resided in this country.

Mr. DIRKSEN. But, as I say, her act in retaining American citizenship after marrying this attaché of the embassy might work against her best interests, especially insofar as the laws of inheritance of the husband's country were concerned, should he die before she took his citizenship. Under your amendment, she could not renounce citizenship unless she declared her intention to abandon residence in this country, and on the other hand, if the right to renounce without such declaration were denied, she might readily imperil for herself and her children such property rights as she might have in her husband's foreign property, because in truth she is a citizen of the United States, and therefore an alien to her husband's country.

You say that she can renounce only on declaration of intention to abandon residence in this country.

Mr. DIES. That is true.

Mr. DIRKSEN. I suggest that she might be foreclosed in her right to succeed to any property he might leave in case of death in this country. I think the amendment is dangerous in that respect and should be voted down.

Mr. DIES. I do not think this is a material amendment. The State Department made the suggestion and in order to comply with the suggestion of the State Department I offered this amendment.

Mr. DIRKSEN. I do not believe it is necessary, nor is it the fair thing to do. The principle of equality is not involved in the amendment.

Mr. JENKINS of Ohio. Mr. Chairman, I move to strike out the last two words.

As I understand the amendment, if an American woman wants to marry a foreigner and wants to renounce her allegiance, it is provided that she has to get out of the country.

Mr. DIES. No; she has to declare it is her intention to abandon her residence in this country, not to permit her to continue to live in the United States or let the husband continue to live in the United States and renounce his or her citizenship.

Mr. JENKINS of Ohio. My understanding is that it is claimed that if an American woman wants to marry a foreigner and does marry a foreigner, she may renounce her allegiance and stay here, under the present law.

Mr. DIES. She has to declare that she intends to abandon her residence in the United States.

Mr. JENKINS of Ohio. Suppose she does declare, but does not do it; does the gentleman want her to be compelled to leave anyway?

Mr. O'CONNOR. Where and how does she make this renunciation?

Mr. DIES. She makes it before any court of competent jurisdiction.

Mr. O'CONNOR. The gentleman states this is an immaterial amendment, and in view of the fact it is so vague I wonder why the gentleman presses it?

Mr. DIES. I stated the reason for offering the amendment.

Mr. JENKINS of Ohio. Will the gentleman from Texas tell me again what the object of the amendment is?

Mr. DIES. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read as follows:

SEC. 4. Section 2 of the act entitled "An act relative to the naturalization and citizenship of married women", approved September 22, 1922, is amended to read as follows:

"SEC. 2. That an alien who marries a citizen of the United States, after the passage of this act, as here amended, or an alien whose husband or wife is naturalized after the passage of this act, as here amended, shall not become a citizen of the United States by reason of such marriage or naturalization; but, if eligible to citizenship, he or she may be naturalized upon full and complete compliance with all requirements of the naturalization laws, with the following exceptions:

"(a) No declaration of intention shall be required.

"(b) In lieu of the 5-year period of residence within the United States and the 1-year period of residence within the State or Territory where the naturalization court is held, he or she shall have resided continuously in the United States, Hawaii, Alaska, or Puerto Rico for at least 1 year immediately preceeding the filing of the petition."

With the following committee amendment:

On page 3, line 21, strike out the words "1 year" and insert in lieu thereof "3 years."

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 5. The following acts and parts of acts, respectively, are repealed: The act entitled "An act providing for the naturalization of the wife and minor children of insane aliens making homestead entries under the land laws of the United States", approved February 24, 1911; subdivision "Sixth" of section 4 of the act entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States", approved June 29, 1906; and section 8 of the act entitled "An act relative to the naturalization and citizenship of married women", approved September 22, 1922, as said section was added by the act approved July 3, 1930, entitled "An act to amend an act entitled 'An act relative to naturalization and citizenship of married women', approved September 22, 1922."

The repeal herein made of acts and parts of acts shall not affect any right or privilege or terminate any citizenship acquired under such acts and parts of acts before such repeal.

Mr. McCORMACK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, unless some other Member makes the demand—and I notice that other Members fought this part of the bill—I shall ask for a separate vote on the committee amendment on page 1, lines 9 and 10:

Provided, That if one person is an alien, such alien is not of a race ineligible to citizenship.

I sincerely hope when the matter comes up in the House that the amendment will be stricken.

Without regard to the principle involved—and the amendment constitutes a wrong principle—there is a practical side to this question which should concern us. This amendment constitutes a deliberate insult to two of the great nations of this world. No matter how we may feel about the race question—and I am as broad and tolerant on racial as I am on religious questions—there is something deeper involved in this particular amendment. There is no question but that Japan and China have a justifiable basis for exception as a result of the national-origins clause of the present immigration law. We could have given them a quota of a hundred, and from a practical angle we would have been consistent with the principle that that law established. In this bill we heap insult upon insult. Do not make such a mistake. We simply say that, because an American woman goes over to China or Japan and marries a member of the yellow race and has children, we deny her children the right to come to the United States—a right which we give to every other American woman, black or white, who may go to another country, marry a foreigner, and have children as the result of the union.

Mr. O'CONNOR. The gentleman may not have heard my remarks, but this is not the worst feature of the amendment. Today a Chinese male citizen of our country can go to China and his children are American citizens, but this bill takes away that existing right from him but extends the right to other nationalities.

Mr. McCORMACK. The gentleman is absolutely right.

Mr. Chairman, there is one more thought I wish to convey. Let us look at this from the practical angle. I realize that if this were to be used for the purpose of evading our immigration laws there would be some justification, but do you mean to say that an American woman of the yellow race, born here, an American citizen under our Constitution, is going to Japan and China to be married and have children for the purpose of bringing those children into the country in order to evade our immigration laws? Of course, common sense is against any such inference or supposition.

Mr. MARTIN of Oregon. I hope the gentleman will not make the motion, but will allow a Member from California to do that. California is the State that is particularly involved.

Mr. McCORMACK. I said that unless some other Member demands a separate vote, I will.

Mr. BLACK. It does not make any difference.

Mr. McCORMACK. The number of persons involved are very few. This amendment is not only wrong in principle but is unnecessary from a practical angle. Furthermore, if we allow this provision to remain in the bill, it constitutes a direct insult to every person of the yellow race, citizen or otherwise.

Mr. WEIDEMAN. This was not a part of the basic law as it was originally written and the women of this country who are backing this in connection with the equal-rights bill are not a party to this amendment. This is a committee amendment.

Mr. JENKINS of Ohio. May I ask the gentleman whether he has considered this proposition? As I see it, as the gentleman from New York says, this is a very embarrassing part of the bill. It is also very impracticable in one way. But if we apply this strictly and literally, it makes no discrimination as against the Chinese-born American citizen, nor the Japanese either, because it applies to a white American the same as it does to a Chinaman or anyone else. You, an American-born white man, cannot go to China and marry a Chinese woman and bring her in here, neither can an American-born Chinese. Therefore, there is no discrimination against a Chinese-born American citizen. The discrimination is against those who are considered ineligible to citizenship. Likewise, an American-born white man can go to China and marry and can under the present law bring in his children, so can an American-born Chinese. So there is no discrimination. Under this proposed law neither an American-born white man or an American-born Chinese may bring in his children if their mother is a Chinese or a woman ineligible to citizenship, so there is no discrimination in either case. But the change comes if you undo what has been done here this afternoon, for if you vote this out a Chinese woman born in the United States may go to China and marry and may bring in her children. She cannot do so under the present law.

[Here the gavel fell.]

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. O'CONNOR. This bill does not apply to wives, it applies to children.

Mr. JENKINS of Ohio. It applies to the children of wives and the children of husbands.

Mr. O'CONNOR. Yes.

Mr. McCORMACK. My friend JENKINS is fair. This is not an immigration question. I would go along with the gentleman if they were using this to violate our immigration laws, but looking at it from the standpoint of justice and from the standpoint of righteousness, what is the difference? A woman, white, black, or yellow, if she is an American citizen, is entitled to the privileges guaranteed and given to every one of us, either by law or under the Constitution. [Applause.]

Mr. DICKSTEIN. Mr. Chairman, it is not the desire of the committee or myself to discriminate against the Chinese or the Japanese or any other race. As a matter of fact, I would be the last person in the world to discriminate against anybody. I have discussed this matter with the members of my committee. It is my impression, and it is the impression of the committee that some of our colleagues do not understand the interpretation of certain clauses of this measure, but in order to make them feel right and to pass this bill quickly, I ask unanimous consent to return to page 1, line 9, and I shall offer a committee amendment.

Mr. BLACK. Mr. Chairman, I reserve the right to object until I have heard the amendment read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. DICKSTEIN: Page 1, strike out lines 5 to 10, both inclusive, and page 2, strike out lines 1 to 6, both lines inclusive, and insert in lieu thereof the following:

"SEC. 1993. Any child hereafter born out of the limits and jurisdiction of the United States, whose father or mother at the time of the birth of such child is a citizen of the United States, is declared to be a citizen of the United States; but the rights of citizenship shall not descend to any child unless the citizen father or the citizen mother, as the case may be, has resided in the United States previous to the birth of such child."

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DIES. Will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. DIES. There is nothing in this amendment that will affect the other amendments we have adopted?

Mr. DICKSTEIN. No; this simply takes out the alleged discrimination that has been charged on the floor. This is in the nature of a perfecting amendment to section 1 of the bill.

Mr. O'CONNOR. Mr. Chairman, I want to be sure the Committee understands the situation.

The committee adopted an amendment, at the bottom of page 1, consisting of the language in italics. I want to be sure the gentleman is proceeding properly. The gentleman could have moved to rescind the action of the committee in adopting that amendment and would have accomplished the same purpose. If that is the understanding of what we are doing, I want the committee to know it.

Mr. DICKSTEIN. This is a clarifying amendment, preserving the language of the present law. If we struck out the language in italics without making a proper correction, it would not be right.

Mr. O'CONNOR. Mr. Chairman, I want to be sure I understand the purpose of the unanimous consent of the gentleman from New York.

As I understand, the request was to eliminate the previous action of the committee in adopting the committee amendment at the bottom of page 1 and another committee amendment in lines 4, 5, and 6, on page 2, so that the bill will be left in the condition it was in previous to the adoption of the committee amendments. I therefore suggest that the proper motion would be to rescind the action of the committee on the committee amendment on page 1 and the committee amendment on page 2, lines 4, 5, and 6.

Mr. DICKSTEIN. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection, and the amendment was withdrawn.

Mr. DICKSTEIN. Mr. Chairman, I ask unanimous consent to go back to page 1, lines 9 and 10, and that the previous action of the committee be rescinded, and the words, beginning in line 9, "*Provided*, That if one parent is an alien, such alien is not of a race ineligible to citizenship", be stricken from the bill.

Mr. JENKINS of Ohio. Mr. Chairman, I object.

Mr. McCORMACK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McCORMACK. Is it now necessary for the gentleman from New York to ask unanimous consent? As I understand, unanimous consent was granted to return to section 1 of the bill.

The CHAIRMAN. That request was granted.

Mr. McCORMACK. The amendment has been withdrawn and the question is whether or not it is now necessary to have unanimous consent to offer the amendment, or whether the gentleman can offer such an amendment based on the unanimous consent already granted.

The CHAIRMAN. In the opinion of the Chair, the unanimous-consent request to return and the offering of the amendment were separate requests.

Mr. McCORMACK. In other words, it is now in order to move to amend?

The CHAIRMAN. The Chair will wait until the amendment is offered before answering that question.

Mr. DICKSTEIN. Mr. Chairman, I move to rescind the action of the Committee agreeing to the committee amendment printed in italics in lines 9 and 10 on page 1 of the bill, being the words reading:

Provided, That if one parent is an alien, such alien is not of a race ineligible to citizenship.

The CHAIRMAN. The question is on the motion of the gentleman from New York.

Mr. JENKINS of Ohio. Mr. Chairman, I rise in opposition to the amendment in order to explain one proposition, or at least to give my interpretation of it.

At the present time there are certain countries from which no immigration can come. There are certain races that are ineligible to citizenship. This is an organic law and is a principle that is recognized in all immigration matters. You are now going to change the immigration law.

Mr. DICKSTEIN. No; we are not changing the law.

Mr. JENKINS of Ohio. You are going to withdraw an objection that now applies to people of ineligibility, and if you are going to raise that bar, then you are going to lay down some other bar.

Mr. DICKSTEIN. I am not raising any bar.

Mr. JENKINS of Ohio. That is my objection to it.

Mr. DICKSTEIN. Will the gentleman yield for a question?

Mr. JENKINS of Ohio. Of course, you can emasculate this bill if you wish.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. JENKINS of Ohio. I yield.

Mr. DICKSTEIN. Striking out that language, does not the question then come up that persons ineligible for citizenship cannot come in?

Mr. JENKINS of Ohio. Under this law any man or woman could go anywhere and marry anybody who was either eligible or ineligible to citizenship and their children would be eligible to citizenship.

Mr. O'CONNOR. If they are citizens.

Mr. JENKINS of Ohio. Yes; if they are citizens.

Mr. O'CONNOR. That is the present language of the law.

Mr. JENKINS of Ohio. If that is what you want, that is all right with me, but that is exactly what you are doing here.

The CHAIRMAN. The question is on the motion of the gentleman from New York [Mr. DICKSTEIN].

The motion was agreed to.

The CHAIRMAN. Under the rule, the Committee will rise.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MARTIN of Colorado, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration the bill (H.R. 3673) to amend the law relative to citizenship and naturalization, and for other purposes, and had directed him to report the bill back to the House with sundry amendments adopted by the Committee of the Whole House on the state of the Union.

The SPEAKER. Under the rule the previous question is ordered on the bill and amendments to final passage. Is

there a demand for a separate vote on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

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

On motion of Mr. DICKSTEIN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

SALARIES OF RURAL LETTER CARRIERS

Mr. BANKHEAD, from the Committee on Rules, presented a privileged report on the bill (H.R. 8919) to adjust the salaries of rural letter carriers, and for other purposes, for printing under the rule, which was referred to the House calendar and ordered printed.

The resolution is as follows:

House Resolution 355

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H.R. 8919, a bill to adjust the salaries of rural letter carriers, and for other purposes; and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Post Office and Post Roads, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted; and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit; with or without instructions.

DISCRIMINATION IN THE HOUSE RESTAURANT

Mr. O'CONNOR. Mr. Speaker, I call up House Resolution 236.

The Clerk read the resolution as follows:

House Resolution 236

Whereas it has come to my attention as a Representative in Congress that a rule of discrimination is being enforced in the restaurant service of the House of Representatives; and

Whereas I stand peculiarly as the representative of the 12,000,000 loyal colored citizens of the United States; and

Whereas these people, and their forebears, have contributed of might and main, blood and sinew, in the development of this country; and

Whereas from the year 1619, when a group of 20 slaves were landed at Jamestown, Va., these people have been loyal to the country to which they and their forebears were brought through a commercial traffic in human souls; and

Whereas for 244 years of unrequited toil these loyal citizens tilled the soil, planted the fields, harvested the crops of the southern plantations, nursed and succored the families of their masters, were custodians of the family chest while master was at war to keep them in slavery; and

Whereas the first blood that fertilized the soil of this continent in the cause of liberty and fraternity flowed from the life stream of that hero martyr Crispus Attucks, who fell on Boston Common in 1770; and

Whereas the colored citizens of the United States have borne their full share of responsibility and sacrifice in every military movement in which this country has been engaged from the Revolutionary period, through the Civil War, on through Carizal, San Juan Hill, and the Argonne front; and

Whereas this loyalty must gain for them the liberal plaudits of patriotic Americans and place them beyond the pale of present-day serfdom and slavery; and

Whereas under the Constitution of the United States, and the fourteenth and fifteenth amendments thereof, these people are citizens of the United States, entitled to all the privileges and immunities as are enjoyed by others; and

Whereas in the Washington Post of the issue of Wednesday, January 24, 1934, the Honorable Representative LINDSAY C. WARREN, of the First District of North Carolina, Chairman of the Committee on Accounts, House of Representatives, is quoted as saying: "In refusing to serve two colored persons in the House restaurant today, Manager P. H. Johnson of the restaurant was acting under my orders and instructions"; and

Whereas Representative LINDSAY C. WARREN, of the First District of North Carolina, Chairman of the Committee on Accounts, House of Representatives, is further quoted in said Post as saying: "The restaurant has been operated by the committee since 1921. It has never served colored employees or visitors, nor will it, so long as I have anything to do with the restaurant"; and

Whereas the rule of discrimination was put in force and effect Tuesday, January 23, 1934, and the restaurant of the House of Representatives announced that the service was reserved for white people only to the exclusion of colored citizens, and two colored persons were so refused, as stated: Therefore be it

Resolved, That a committee of five Members of the House be appointed by the Speaker to investigate by what authority the Committee on Accounts controls and manages the conduct of the House restaurant, and by what authority said committee or any members thereof issued and enforced rules or instructions whereby any citizen of the United States is discriminated against on account of race, color, or creed in said House restaurant, grillroom, or other public appurtenances or facilities connected therewith under the supervision of the House of Representatives.

Said committee is authorized to send for persons and papers and to administer oaths to witnesses and shall report their conclusions and recommendations to the House at the earliest practicable moment.

With the following committee amendment:

Strike out the preamble.

Mr. O'CONNOR. Mr. Speaker, this is the so-called "De Priest resolution", with which the House is very familiar, and I move the previous question.

The previous question was ordered.

The committee amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution.

Mr. PARKS and Mr. RAMSPECK called for a division.

Mr. McFADDEN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 236, nays 114, answered "present" 1, not voting 79, as follows:

[Roll No. 132]

YEAS—236

Adair	Dunn	Kenney	Ransley
Adams	Durgan, Ind.	Kinzer	Reece
Allen	Eaton	Kloeb	Reed, N.Y.
Andrew, Mass.	Edmiston	Kniffin	Reilly
Andrews, N.Y.	Eicher	Knutson	Rich
Arens	Eltse, Calif.	Kocialkowski	Richardson
Arnold	Englebright	Kopplemann	Robinson
Ayers, Mont.	Evans	Kramer	Rogers, Mass.
Ayres, Kans.	Faddis	Kvale	Rogers, N.H.
Bacharach	Farley	Lambertson	Rudd
Bacon	Fiesinger	Lamneck	Sabath
Bakewell	Fish	Lanzetta	Sadowski
Beck	Fitzpatrick	Larrabee	Secrest
Beedy	Fletcher	Lehlbach	Seger
Beiter	Focht	Lehr	Shoemaker
Biermann	Ford	Lemke	Simpson
Black	Foss	Lesinski	Sinclair
Blanchard	Foulkes	Lewis, Colo.	Sirovich
Boehne	Frear	Lindsay	Sisson
Boileau	Gambrill	Lloyd	Smith, Wash.
Boland	Gavagan	Luce	Smith, W.Va.
Bolton	Gifford	Ludlow	Snell
Boylan	Gilchrist	Lundeen	Snyder
Britten	Gillespie	McCarthy	Somers, N.Y.
Brooks	Gillette	McCormack	Stokes
Brumm	Goodwin	McFadden	Strong, Pa.
Brunner	Goss	McGugin	Stubbs
Burnham	Granfield	McLean	Studley
Carpenter, Kans.	Gray	McLeod	Sutphin
Carpenter, Nebr.	Greenway	Maloney, Conn.	Sweeney
Carter, Calif.	Griswold	Mapes	Taber
Cavicchia	Guyer	Marshall	Taylor, Tenn.
Chase	Haines	Martin, Colo.	Thom
Christianson	Hamilton	Martin, Mass.	Thomas
Church	Hancock, N.Y.	Martin, Oreg.	Thompson, Ill.
Claiborne	Hart	Mead	Tinkham
Cole	Harter	Merritt	Tobey
Collins, Calif.	Hartley	Millard	Traeger
Condon	Healey	Moran	Treadway
Connery	Henney	Morehead	Truax
Connolly	Higgins	Mott	Turpin
Cooper, Ohio	Hoeppel	Moynihan, Ill.	Utterback
Crosser, Ohio	Hoidale	Muldowney	Wallgren
Crowther	Hollister	Murdock	Wearin
Culkin	Holmes	Musselwhite	Weideman
Cullen	Hope	Norton	Welch
Darrow	Howard	O'Connell	Werner
Delaney	Hughes	O'Connor	West, Ohio
De Priest	Imhoff	Oliver, N.Y.	White
Dickstein	Jacobsen	Palmisano	Whitley
Dingell	James	Parsons	Wigglesworth
Dirksen	Jenkins, Ohio	Perkins	Willford
Ditter	Johnson, Minn.	Pettengill	Withrow
Dobbins	Kahn	Peyser	Wolcott
Dockweiler	Kee	Pierce	Wolfenden
Dondero	Keller	Plumley	Wolverton
Douglass	Kelly, Ill.	Polk	Woodruff
Dowell	Kelly, Pa.	Powers	Young
Duffey	Kennedy, N.Y.	Randolph	Zioncheck

NAYS—114

Abernethy	Bulwinkle	Cartwright	Colmer
Bankhead	Burke, Nebr.	Cary	Cooper, Tenn.
Bland	Busby	Castellow	Cox
Blanton	Byrns	Chapman	Cravens
Brown, Ga.	Caldwell	Clark, N.C.	Cross, Tex.
Brown, Ky.	Cannon, Mo.	Cochran, Mo.	Crump
Buchanan	Carden, Ky.	Coffin	Dear
Buck	Carmichael	Colden	Deen

Dickinson	Jones	Parks	Tarver
Dies	Kerr	Patman	Terrell, Tex.
Doughton	Kleberg	Peavey	Terry, Ark.
Doxey	Lambeth	Peterson	Thomason
Drewry	Lanham	Ramspeck	Thompson, Tex.
Driver	Lee, Mo.	Rankin	Turner
Duncan, Mo.	McClintic	Rayburn	Umstead
Eagle	McDuffie	Richards	Vinson, Ga.
Ellzey, Miss.	McFarlane	Robertson	Walter
Fernandez	McKeown	Rogers, Okla.	Warren
Flannagan	McMillan	Romjue	Weaver
Fuller	McReynolds	Ruffin	West, Tex.
Fulmer	Maloney, La.	Sanders	Whittington
Glover	Mansfield	Sandlin	Wilcox
Green	May	Sears	Williams
Gregory	Miller	Smith, Va.	Wilson
Hastings	Mitchell	Spence	Wood, Ga.
Huddleston	Montague	Steagall	Wood, Mo.
Johnson, Okla.	Montet	Strong, Tex.	Woodrum
Johnson, Tex.	Owen	Sumners, Tex.	
Johnson, W.Va.	Parker	Swank	

ANSWERED "PRESENT"—1

Underwood

NOT VOTING—79

Allgood	Collins, Miss.	Hildebrandt	Oliver, Ala.
Auf der Heide	Corning	Hill, Ala.	Prall
Bailey	Crosby	Hill, Knute	Ramsay
Beam	Crowe	Hill, Samuel B.	Reid, Ill.
Berlin	Cummings	Jeffers	Schaefer
Bloom	Darden	Jenckes, Ind.	Schuetz
Brennan	DeRouen	Kennedy, Md.	Schulte
Brown, Mich.	Disney	Kurtz	Scrugham
Browning	Doutrich	Lea, Calif.	Shallenberger
Buckbee	Edmonds	Lewis, Md.	Shannon
Burch	Ellenbogen	Lozier	Stalker
Burke, Calif.	Fitzgibbons	McGrath	Sullivan
Cady	Frey	McSwain	Swick
Cannon, Wis.	Gasque	Marland	Taylor, Colo.
Carley, N.Y.	Goldsborough	Meeks	Taylor, S.C.
Carter, Wyo.	Greenwood	Milligan	Thurston
Celler	Griffin	Monaghan, Mont.	Vinson, Ky.
Chavez	Hancock, N.C.	Nesbit	Wadsworth
Clarke, N.Y.	Harlan	O'Brien	Waldron
Cochran, Pa.	Hess	O'Malley	

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Sullivan (for) with Mr. Gasque (against).
Mr. Buckbee (for) with Mr. Oliver of Alabama (against).
Mr. Celler (for) with Mr. Jeffers (against).
Mr. Doutrich (for) with Mr. Allgood (against).
Mr. Kurtz (for) with Mr. Hill of Alabama (against).
Mr. Edmonds (for) with Mr. McSwain (against).
Mr. Hess (for) with Mr. Vinson of Kentucky (against).
Mr. Corning (for) with Mr. DeRouen (against).
Mr. Beam (for) with Mr. Browning (against).
Mr. Wadsworth (for) with Mr. Taylor of South Carolina (against).
Mr. O'Brien (for) with Mr. Burch (against).
Mr. Griffin (for) with Mr. Collins of Mississippi (against).
Mr. Harlan (for) with Mr. Jones of Texas (against).
Mr. Bloom (for) with Mr. Hancock of North Carolina (against).

General pairs:

Mr. Prall with Mr. Waldron.
Mr. Fitzgibbons with Mr. Carter of Wyoming.
Mr. Milligan with Mr. Stalker.
Mr. Taylor of Colorado with Mrs. Clarke of New York.
Mr. Shallenberger with Mr. Thurston.
Mr. Greenwood with Mr. Cochran of Pennsylvania.
Mr. Auf der Heide with Mr. Reid of Illinois.
Mr. Goldsborough with Mr. Swick.
Mr. Lozier with Mr. Berlin.
Mr. Samuel B. Hill with Mr. Cady.
Mr. Lewis of Maryland with Mr. Frey.
Mr. Lea of California with Mr. O'Malley.
Mr. Carley of New York with Mr. Marland.
Mr. Crowe with Mr. Kennedy of Maryland.
Mr. Disney with Mr. McGrath.
Mrs. Jenckes of Indiana with Mr. Hildebrandt.
Mr. Shannon with Mr. Knute Hill.
Mr. Bailey with Mr. Cannon of Wisconsin.
Mr. Schuetz with Mr. Monaghan of Montana.
Mr. Burke of California with Mr. Brennan.
Mr. Chavez with Mr. Darden.
Mr. Cummings with Mr. Ramsay.
Mr. Brown of Michigan with Mr. Scrugham.
Mr. Crosby with Mr. Meeks.
Mr. Schaefer with Mr. Nesbit.

Mr. PERKINS. Mr. Speaker, I change my vote from "nay" to "yea."

Mr. UNDERWOOD. Mr. Speaker, I withdraw my vote and answer "present", being a member of the Committee on Accounts.

The result of the vote was announced as above recorded.

A motion to reconsider the vote by which the resolution was agreed to was laid on the table.

Mr. FIESINGER. Mr. Speaker, my colleague from Ohio [Mr. HARLAN] was called downtown on important business. If he were here, he could have voted "yea."

HOUSE RESOLUTION 236

Mr. GAVAGAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the resolution just passed.

The SPEAKER. Is there objection?

There was no objection.

Mr. GAVAGAN. Mr. Speaker, ladies and gentlemen of the House, a large percentage of the constituency I have the privilege and honor to represent are members of the Negro race. They look with just pride on the part they have contributed to the welfare of the United States of America. No more loyal and truly patriotic people can be found anywhere. They ask no special privilege nor seek favor above any other group or race. They are proud of their American citizenship and seek and ask only fair and equal treatment under the Constitution of the United States. Naturally, they resent any manner or form of discrimination; they are a proud and long-suffering people, and it gives me great pride on their behalf to speak to you today in favor of the passage of the resolution of Mr. DE PRIEST, for the appointment of a committee of the House of Representatives empowered to investigate the authority of the Committee on Accounts to promulgate and enforce rules denying to citizens of the Negro race the use of the House restaurant.

At the very outset I wish to pay my compliments and respects to the members of the Committee on Rules of the House of Representatives and especially the distinguished gentleman from Alabama [Mr. BANKHEAD], the chairman of the committee, for the fair consideration given the resolution and the fine spirit of justice exemplified when they reported the same favorably. But for such favorable report it would not have been possible to consider the resolution, as no power or authority exists under the Rules of the House to compel the Rules Committee to act on a resolution.

Investigation, I feel sure, will prove that the House-restaurant rule complained against is not of recent origin but was promulgated a long while ago when the Committee on Accounts was presided over and controlled by the members of the Republican Party. The present Chairman of the Accounts Committee, the Honorable LINDSAY C. WARREN, of North Carolina, in a recent address to the House stated unequivocally that the rule barring Negroes from the House restaurant was one of long standing—not created by him or the present committee—but inherited from previous committees. This statement of the gentleman from North Carolina [Mr. WARREN] has not been challenged or denied by anyone and must be assumed to be true, and is in fact true.

The question of the origin of the rule or regulation being decided, I proceed to discuss the power or authority of any committee of the House of Representatives or members thereof to promulgate, pass, or enforce any such rule, order, or direction. I challenge the authority of any committee of the Congress of the United States to enact any rule which in its nature and scope discriminates against any citizen of the United States because of race, creed, or color. I say—and I say it with no fear of contradiction—that there exists in no committee any authority, power, or right to promulgate, pass, or enforce any such discriminatory rule, regulation, or order.

Mr. Speaker, the fourteenth amendment to the Constitution of the United States provides that—

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The second sentence of this amendment controls and regulates the power of the States and denies to any State

the power to abridge the privileges or immunities of citizens of the United States. Hence, no State has authority or power to pass laws discriminatory of the rights or immunities of citizens of the United States; such power is denied to a State by the Constitution.

Congress is the creature of the Constitution—no power not delegated can be created by Congress—Congress is the creature and not the creator of the Constitution. In respect to the States, however, the situation is reversed. The States are not the creatures of the Constitution. As representatives of the people, the States created the Constitution; and insofar as they vested and granted powers through the Constitution to the Federal Government created thereby, they divested and limited their original power. Therefore, as the States, under the fourteenth amendment, may not abridge the privileges and immunities of citizens of the United States, Congress, being the creature of the Constitution, may not, and no committee thereof can.

I myself, Mr. Speaker, abhor all discrimination of any kind or source. I believe in the Constitution of the United States and in the rights and privileges of freemen proclaimed, guaranteed, and protected therein. I blush with shame to think that here in the Nation's Capital any rule of discrimination would be tolerated, not to mention enforced.

My duty to my constituents and my respect for the principles upon which this Government is based both demand that I speak out in opposition to any rule or regulation tending to deny to any American citizen of Negro blood his right to just and equal treatment with his fellow citizen of another blood.

Mr. Speaker, I ask no special favor for those of my constituents who are of different color, but I do demand for them equal treatment and consideration. I desire to be true to my principles and to my duty to serve all my constituents—I can do no more—I seek no cheap notoriety in the performance of my clear and manifest duty. I firmly believe that this House should investigate this matter; and if discriminations of any kind are shown to exist, I shall demand the abolition of the same. We cannot, as Representatives of a free people, tolerate for one moment the existence of race hatred or prejudice. If it exists, we must stamp it out. Hatred and bigotry are the twin devils that have bedeviled man's progress toward freedom and justice since the beginning of time. To be free of them demands eternal vigilance. We cannot compromise—we must not condone.

Therefore, Mr. Speaker, I shall cast my vote in favor of the De Priest resolution and sincerely hope it will pass the House.

EXTENSION OF REMARKS

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include short letters sent me by Louis MacMahon, of the Press Gallery.

The SPEAKER. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Speaker, from the floor yesterday I called attention to the fact that after the House adjourned Monday and I had finished a conference with some colleagues, and had gathered my papers and was about to leave the Chamber, two reporters from the Press Gallery, accompanied by a third person, were waiting at the door for me just inside the House Chamber and accosted me, and attempted to upbraid me for opposing and stopping the passage of the local old-age pension bill for the District of Columbia. I did not know the names of either of these reporters but understood from them that they represented the Post and the Herald. On several other occasions they had interrogated me about legislation, but as they were comparatively new men, and were not the old reporters formerly representing the Washington papers, I had not yet been able to learn their names.

After one of them warned me that he "was going to give me 'hell' in his paper this morning", I naturally looked for same in the morning papers. There are but two morning papers here on Tuesday—the Post and the Herald. There was no attack on me in the Post. There was an attack on me in the Herald. The vicious, untruthful, unwarranted attack in the Herald, which at the top gave the name of the Herald reporter writing it as "Pat Frank", mentioned the attempt to upbraid me on the floor after adjournment by stating:

> This was after the Texan, with a 3-hour filibuster, single-handed practically blocked any hope of passage—

And so forth. So it was very evident to me that it was a Herald reporter who told me that he "was going to give me 'hell' in his paper the next morning."

Since then Mr. Louis A. MacMahon, who is a high-class, reputable reporter of many years standing, advised me that inasmuch as he was on the Herald staff, some might think that he had been the one who accosted me. Of course, he was not the one and was not present, and I told him that I would be glad to print in the RECORD any statement to that effect that he desired. From him through the mail I have received the following:

WASHINGTON, *April 24, 1934.*

Hon. THOMAS L. BLANTON,
House Office Building, Washington, D.C.

DEAR MR. BLANTON: It was very generous of you to volunteer to put into the RECORD the letter written me by Mr. Roy Moulden establishing the fact that I was not the reporter who threatened to "give you 'hell'."

I am enclosing Mr. Moulden's letter and would appreciate your putting it into the RECORD tomorrow, Wednesday, so as to clear up the situation for me. With thanks and appreciation in advance for your generosity and courtesy,

Sincerely yours,

LOUIS A. MACMAHON.

Accompanying the letter from Mr. MacMahon was the following:

WASHINGTON, D.C., *April 24, 1934.*

LOUIS A. MACMAHON,
Herald Reporter.

DEAR LOUIE: I regret that Representative BLANTON got you and me confused during his attack on Mr. Hearst on the floor of the House today.

BLANTON said the Herald reporter threatened to give him "hell" That is not a fact. I am the one who, in a good-natured way, threatened to give him "hell." He laughed and said he also would give me "hell."

Secrest, of the Post, and myself, representing the Washington Daily News, talked with BLANTON—the conversation to which he alluded on the floor today. Neither you nor anyone else representing the Washington Herald was present during the jocular colloquy with BLANTON. I saw BLANTON up to the time he left the House Monday afternoon, and at no time did I see you have any conversation with him. On the contrary, I met you in the House press gallery when Secrest and I finished our jocular conversation with BLANTON.

Again regretting the confusion, fraternally yours,

ROY MOULDEN,
Washington Daily News.

I am glad to know, Mr. Speaker, that it was just a jocular plant that I ran into at the door of this Chamber Monday afternoon, and that the reporters from the press gallery were in a jocular frame of mind when they told me that they would give me "hell" in their paper the next morning. If they had not been so very jocular, it might have been serious. But they do show that after the jocular plant and after the jocular accosting and after the jocular threat of giving me "hell" they went from the scene of said jocular joust back to the press gallery and there fraternized with a Herald reporter, and that one of the fraternizers who had been aiding and abetting the jocularity was a reporter from the Post staff.

And on its editorial page this morning, both in a foot-square cartoon, and a column and a half wide and half page long editorial, the Right Honorable Eugene Meyer in his Washington Post (which he hornswoggled from the McLean boys) jocularly attempted to give me "hell" in fulfilling the jocular threat I received in the presence of his jocular reporter Monday afternoon.

If Eugene Meyer's Post had told the truth, he would not merit blame, but Eugene Meyer's Post did not tell the truth. After quoting an irresponsible statement made in debate to the effect that this was congressional year and I was coming up for election, and passing this bill would put me in an embarrassing position and for such reason I was fighting the bill, Eugene Meyer's Post then made the positive assertion "The Representative from Texas did not deny this statement." Does Eugene Meyer and his Post think

they can get away with that? They are chargeable with knowing what I said because they had a reporter jocularly sitting in the press gallery, who jocularly accosted me on the floor after adjournment, and they had the printed copy of Monday's RECORD where, on page 7171, as soon as I got the floor, I said:

When we had a former District day there were about 15 or 20 bills on the calendar. This bill was up near the top. I went to the chairman of this committee, and I went to Mr. BLACK, and I also went to Mr. PALMISANO, and told them all that if they called up this bill they would not pass many bills that day on the calendar, that I was against it, and that I was going to use every bit of parliamentary knowledge of the rules that I had to stop it. And after consultation they sidetracked this bill, and put it down at the bottom of the list, and I helped them to pass quite a number of noncontroversial measures that day. They knew then that I opposed this bill, and intended to do everything within my power to stop it.

And on the same page, 7171, I said:

Something was said about somebody being afraid of votes at home. I made no such statement. I never have been afraid of votes back home since I have been a Member of this Congress. If this Congress is in session when my primary comes up you will find me still here very busy and working hard on this floor, 2,000 miles away.

I have such confidence in the people I represent back home that I know that if I do my duty here on this floor and help to kill bad bills they are going to look after me when election time comes.

I have confidence in my constituents, and they have confidence in me, and that is the reason they take care of me, whether I am there or not. They know that when I am here they can depend on me to fight to stop bad bills.

The above shows conclusively that when Mr. Eugene Meyer's Post made the positive assertion this morning that "The Representative from Texas did not deny this statement" it told a deliberate untruth.

In my speech I showed that the Commissioners of the District of Columbia had reported that the District budget could not possibly stand the provisions of this bill, and it should have been the duty of Eugene Meyer and his Post to have supported the District Commissioners, and in protecting the District budget from becoming unbalanced. And I showed that the bill was unsound in many particulars, in granting carte blanche authority to the Commissioners to appoint employees without any limitation, and to fix salaries without limitation, except the maximums embraced in the 1923 act, under which the name of the position fixes the salary.

Eugene Meyer cannot run his Post like he ran the Federal Reserve. As millionaire publisher of the Post he cannot treat American citizens and their rights with the same autocratic disregard that he did when he was carrying out his policy that broke banks and ruined many cattlemen of the country. I want Eugene Meyer to understand that I shall hold him personally responsible for every libelous attack he publishes in his Post about me, so he had better instruct his jocular reporters to publish only the truth.

WAR DEPARTMENT DISAPPROVES DISCRIMINATIONS AGAINST AMERICAN CITIZENS IN H.R. 8861, "THE SUGAR BILL"

Mr. LANZETTA. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein a memorandum dated April 14 on the sugar bill, by the Chief of the Bureau of Insular Affairs to the Secretary of War.

The SPEAKER. Is there objection?

There was no objection.

Mr. LANZETTA. Mr. Speaker, under leave to extend my remarks in the RECORD I include the following memorandum, dated April 14, on bill H.R. 8861, the sugar bill, from the Chief of the Bureau of Insular Affairs to the Secretary of War:

APRIL 12, 1934.

MEMORANDUM FOR THE SECRETARY OF WAR

Subject: H.R. 8861 and S. 3212, Seventy-third Congress, entitled "A bill to include sugar beets and sugar cane as basic agricultural commodities under the Agricultural Adjustment Act, and for other purposes"

H.R. 8861, as passed by the House on April 4, 1934, contains certain provisions which appear to be discriminatory against the insular possessions of the United States. Their enactment into law would be contrary to the long-established policy governing trade relations with all of the insular areas which produce sugar for the United States market. I desire, however, to call particular attention to those provisions of the bill which appear to be discriminatory against the interests of Puerto Rico. Of course, what may be said relative to Puerto Rico is applicable in general to other insular areas.

One objection frequently expressed is that our insular dependencies are placed in the same category as foreign countries. This feature has brought strong protests from Puerto Rico.

Reference is made to the following provisions which are considered discriminatory against Puerto Rico:

(a) On page 5, under the proposed new section 8a of the Agricultural Adjustment Act, provision is made for the allotment of quotas to all of the insular possessions for any calendar year "based on average importations or receipts therefrom into continental United States for consumption, or which was actually consumed, therein during such 3 years, respectively, in the years 1925–33, inclusive, as the Secretary of Agriculture may, from time to time, determine to be the most representative respective 3 years adjusted (in such manner as the Secretary shall determine) * * *."

(b) The same section provides further, with reference to the insular areas, that such quotas may include "direct-consumption sugar up to an amount not exceeding the respective importations or receipts of direct-consumption sugar therefrom into continental United States for consumption, or which was actually consumed, therein during the year 1931, 1932, or 1933, whichever is greater, and in the case of Cuba, direct-consumption sugar up to an amount not exceeding 22 percent of the quota established for Cuba."

(c) On page 6 the quotas for any calendar year are fixed for the beet-sugar area of the United States at 1,550,000 short tons raw value and for Louisiana and Florida 260,000 short tons raw value.

With reference to paragraph (a) above, the manner of determining quotas is too indefinite. There is no guaranty in the bill that it would not be applied so as to discriminate against one or more areas under the jurisdiction of the United States. It would apparently be possible to select the lowest and highest years, so as to make great fluctuations in the quotas allocated to some of the areas, notably Puerto Rico, Hawaii, and the Philippine Islands. Certainly a fair administration of the law is to be expected, but the proposed legislation would permit or make possible discriminatory measures. Such a provision would create great uncertainty in crop planning and milling and in crop financing from year to year.

TABLE A.—*Maximum and minimum sugar shipments to continental United States, annual averages 3-year periods calendar years 1925–33, inclusive*

Areas	Calendar years	Maximum (short tons)	Calendar years	Minimum (short tons)	Difference
Philippine Islands	1931, 1932, 1933	1,029,381	1925, 1926, 1927	467,908	561,473
Puerto Rico	1930, 1932, 1933	[1] 882,956 [2] 822,006	1926, 1927, 1929	546,900	[1] 336,056 [2] 275,106
Hawaii	1931, 1932, 1933	1,008,950	1925, 1926, 1927	759,608	249,342

[1] Actual shipments plus computed loss of 182,850 short tons from 1932 hurricane. (P. R. Department of Agriculture and Commerce.)

[2] Actual shipments, reports U.S. Department of Commerce.

Source: Except where otherwise noted figures based on reports of U.S. Department of Commerce.

The provision relative to direct-consumption sugars (par. (b) above) is discriminatory against the insular areas as regards the privileges of refining sugar. Such action cannot be justified on any grounds whatever when applied to Puerto Rico and Hawaii. The inhabitants of these islands are citizens of the United States. It has been regarded as a fundamental principle that the right of the people thereof to trade with the mainland shall be free and unrestricted and that they shall enjoy the same rights and liberties in the development of their industries as though they were on the mainland. This policy was stated in the first Organic Act of Puerto Rico, approved April 12, 1900, and is the policy upon which our trade with Puerto Rico has been developed. The following table indicates the maximum shipments of direct-consumption sugar from the various off-shore areas supplying this market. While some further expansion may be expected in Puerto Rico, such expansion will necessarily be relatively small. Whatever such expansion may be, it is of great importance to the island that its opportunities to develop industries connected with the island's basic products shall not be curtailed. The density of the population in this small area makes it desirable that every opportunity shall be afforded the people to establish industries that will create employment.

TABLE B.—*Direct-consumption sugars shipped to United States, years 1932 and 1933*

Areas	Maximum years	Short tons	Percentage of shipments to United States
			Percent
Philippine Islands	1932	62,927	6.0
Puerto Rico	1933	107,087	14.0
Hawaii	1932	24,321	2.4
Cuba	1932	[1] 492,635	25.3

[1] 25.3 percent of suggested quota shown in column 2 of table C.

The provision assigning fixed quotas (paragraph (c) above) to the continental beet-sugar areas of 1,550,000 short tons and 260,000 short tons to the continental cane-growing areas is also discriminatory against those insular areas whose inhabitants are citizens of the United States. Here again it is proposed to violate the principle of fair and equal treatment, particularly in that with the committee amendment, page 8, line 14, inserting the words "paragraph (a) of", the proration of any deficiencies in consumption requirements in any calendar year is imposed entirely upon the areas outside of the continental United States.

The above tables (A, B, and C) indicate that quota uncertainties might result from year to year; that the continental beet and cane areas have been specially favored; that the continental refineries have been given special consideration over those of Puerto Rico and Hawaii; and that the refineries of all of our insular possessions, including the Philippines, have been placed on a less favored status than the refineries of Cuba.

TABLE C.—*Suggested sugar quotas and average shipments to United States*

[Short tons]

Areas	Proposed quotas President's message, February 8, 1934	Average annual shipments for the 3 maximum years 1925–33	Proposed quotas H.R. 8861 as reported House Agriculture Committee pp. 5, 6, and 7	Difference, column (2) over column (3)	Difference, column (4) over column (3)
(1)	(2)	(3)	(4)	(5)	(6)
United States:					
Beet	1,450,000	[1] 1,234,823	1,550,000	+215,177	+315,177
Cane	260,000	[1] 222,820	260,000	+37,180	+37,180
Puerto Rico	821,000	[2] 882,956 [2] 822,006	[4] 875,000	−61,956	----------
Philippine Islands	1,037,000	1,029,381	----------	+7,619	----------
Hawaii	935,000	1,008,950	[4] 1,000,000	−73,950	----------
Virgin Islands	5,000	9,235	[4] 9,000	−4,235	----------
Cuba	1,944,000	1,935,686	----------	+8,314	----------

[1] Production, basis Willett and Gray.
[2] Actual shipments plus estimated loss (182,850 short tons) from September 1932 hurricane. (Puerto Rico Department of Agriculture and Commerce.)
[3] Actual shipments, reports United States Department of Commerce.
[4] Suggested minimum quotas for the three areas which should be stated in bill. Figures in parenthesis not in report of House committee.

Source: Column 3, except where otherwise noted, reports U.S. Department of Commerce.

The President, in his message of February 8, 1934, on the above subject, stated in part:

"I believe that we can increase the returns to our own farmers, contribute to the economic rehabilitation of Cuba, provide adequate quotas for the Philippines, Hawaii, Puerto Rico, and the Virgin Islands, and at the same time prevent higher prices to our own consumers.

* * * * * * *

"The average marketings of the past 3 years provide on the whole an equitable base, but the base period should be flexible enough to allow slight adjustments as between certain producing areas.

"The use of such a base would allow approximately the following preliminary and temporary quotas:" * * *. (Shown in column 2, table C).

Obviously the President did not contemplate that one area should be aided at the expense of another, but that all should share equally the advantages or disadvantages resulting from the application of the proposed law.

It is believed that the bill, as passed by the House, will not meet either the spirit or the purpose of the legislation suggested in the President's message. It will be noted that all of the insular areas under the jurisdiction of the United States are placed on a different basis from the mainland areas. Certainly the islands that are considered a permanent part of the United States, whose inhabitants are United States citizens, should be accorded the same treatment as is accorded to citizens of the mainland.

Legislation that appears to contain discriminatory provisions against the people of Puerto Rico naturally creates in their minds a feeling of uneasiness and uncertainty and even doubts as to whether they can rely upon the United States Government for fair and impartial consideration of their fundamental rights.

In view of the foregoing, the following amendments to H.R. 8861 are suggested which, if approved by you, it is recommended be transmitted to the Chairman of the Finance Committee of the Senate for appropriate consideration by that committee:

SUGGESTED AMENDMENTS

On page 5, lines 1 and 2, strike out the words "the Territory of Hawaii, the Virgin Islands, Puerto Rico."

Page 5, line 5, after the words "based on" insert the words "the maximum."

Page 5, line 8, substitute the word "the" for "such", and after the words "three years" insert the words "of maximum importations or receipts."

Page 5, lines 9 to 11, beginning after the word "inclusive," in line 9, strike out the words "as the Secretary of Agriculture may, from time to time, determine to be the most representative respective 3 years."

Page 5, line 17, after the word "included", strike out all the words beginning with the word "in", line 17, down to and including the words "greater, and", line 25. This proviso as amended will then read:

"*Provided, however,* That in such quotas there may be included, in the case of Cuba, direct-consumption sugar up to an amount not exceeding 22 percent of the quota established for Cuba."

Page 5, line 15, strike out the words "for continental United States,".

Page 6, line 11, insert after the words "United States" the words "the Territory of Hawaii, Puerto Rico, and the Virgin Islands,".

Page 6, line 19, after the words "State or States" insert the words "the Territory of Hawaii, Puerto Rico, and the Virgin Islands."

Page 6, line 26, after the word "value;" insert the words "Puerto Rico, 875,000 short tons raw value; the Territory of Hawaii, 1,000,000 short tons raw value; the Virgin Islands, 9,000 short tons raw value;".

Page 8, line 14, strike out the words "paragraph (A) of."

Draft of letter herewith for your signature addressed to the Chairman of the Finance Committee of the Senate.

CREED F. COX, *Chief of Bureau.*

Mr. LANZETTA. Also, Mr. Speaker, to extend my remarks and to include therein an editorial from the Washington Herald.

Mr. LAMBETH. Mr. Speaker, I object.

HOUSE RESOLUTION 236

Mr. LANZETTA. Mr. Speaker, I ask unanimous consent to extend my own remarks on House Resolution 236.

The SPEAKER. Is there objection?

There was no objection.

Mr. LANZETTA. Mr. Speaker, I am in favor of House Resolution 236, first, because it will put an end to discrimination against American citizens of the Negro race in the Nation's Capitol; and, second, because of the salutary effect such termination will have on the country at large.

The news that American citizens of the colored race were being discriminated against in the very building where laws giving them freedom, American citizenship, and every right and privilege as such, were enacted not so long ago, came as a severe shock to me. The very thought of the effect of such practices here might have on the Nation at large made me fearful.

Under the fourteenth and fifteenth amendments the people of the Negro race were given their freedom and every right and privilege as American citizens. To forbid them entry into any public place is discrimination against color. This offense against their rights as American citizens takes a more serious aspect when it takes place under this very roof, and we, as Members of Congress, would be violating our oath of office to obey and uphold the Constitution if we tolerate and permit this condition to continue.

There can be no dispute as to the bad influence and effect such action has had and will continue to have on the people of this country if we allow discrimination against American citizens of the Negro race to continue in the House restaurant. Surely, we cannot expect the average citizen to refrain from discriminations when we, the lawmakers of this country, tolerate, permit, and allow them. What bad effect and influence our compliance may have on the rest of the country cannot be estimated, but it is just such examples on the part of persons of responsibility that have often led to most serious consequences.

I, for one, believe that American citizens of the Negro race are entitled to the same rights and privileges as every other citizen, and I shall therefore vote in favor of the De Priest resolution and thus bring to an end a practice which no longer has any place in our country, and especially in the Capitol Building of the United States.

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks on the resolution just passed.

The SPEAKER. Is there objection?

There was no objection.

Mr. COCHRAN of Missouri. Mr. Speaker, the House has just passed a resolution introduced by the Member from Illinois [Mr. DE PRIEST] providing for an investigation. The resolution reads as follows:

Resolved, That a committee of five Members of the House be appointed by the Speaker to investigate by what authority the

Committee on Accounts controls and manages the conduct of the House restaurant, and by what authority said committee or any members thereof issued and enforced rules or instructions whereby any citizen of the United States is discriminated against on account of race, color, or creed in said House restaurant, grill-room, or other public appurtenances or facilities connected therewith under the supervision of the House of Representatives.

Said committee is authorized to send for persons and papers and to administer oaths to witnesses, and shall report their conclusions and recommendations to the House at the earliest practicable moment.

This resolution is purely political, is a gesture, and means absolutely nothing, because there is nothing to investigate. The Chairman of the Committee on Accounts [Mr. WARREN] has already given to the House all the information that any committee can secure. It will be found in Mr. WARREN's speech published in the RECORD on page 5254, March 23, 1934.

I voted against this resolution today for several reasons. First, the author of the resolution made a speech at a public gathering in Washington in which he was quoted in the Washington papers as saying he proposed to use his influence to defeat Members of the House who did not follow him and vote for his resolution. I told him personally that, so far as I was concerned, no such a speech would pass me unnoticed, and I would vote against the resolution and he could carry out his threat, as I did not intend to be intimidated by him or any other Member of the House.

Another reason that I opposed the resolution is that in my opinion it was introduced for political reasons, the author desiring to further his political interest in the recent primary in Chicago.

Of course, some Members on the Republican side of the House thought they would embarrass Democrats by forcing a vote on the resolution. They might have embarrassed some Members, but I can assure all that it in no way embarrassed me.

If those who supported the author of the resolution today desire to settle the question involved there is only one way to settle it and that is not by passing a meaningless resolution but by bringing in a resolution something along the following line:

"No Negro shall be permitted to eat in the House restaurant unless accompanied by a Member of Congress."

There is no doubt but that the embarrassment will be on the Republican side of the aisle if such a resolution is presented.

As a member of the Committee on Accounts I can say the restaurant has been conducted under the same rules as it was conducted when the Republican Party was in power and under the chairmanship of Republican members, Clifford B. Ireland, Clarence MacGregor, and Charles Underhill. They were all Republicans; and it was Mr. Ireland, a Representative from Illinois, that provided quarters where Negroes are served.

Let me quote from the speech of Mr. WARREN, the chairman of the committee:

When this restaurant was established, in 1921, under the chairmanship of Mr. Clifford Ireland, Republican Representative from Illinois, he opened a place in the basement for the serving of colored employees and visitors. Mind you, this was 4 years before I entered this body. This was continued under Mr. Clarence MacGregor, Republican Chairman of the Committee on Accounts, from New York, and it was continued by Mr. Charles L. Underhill, Republican Chairman of the Committee on Accounts, from Massachusetts, and has been continued by me. In this place we give the same service, the same food as we do upstairs, and the same cleanly surroundings prevail. The prices there are slightly lower.

I have made no rule. I am carrying out the policies and rules that have been in force ever since this restaurant was established, and before I came here.

Something was said that I initiated this thing, and that it had been going on for some time. The first knowledge of any violation of the rules that ever came to me during my chairmanship of the committee was, I think, about January 20. I would have despised myself had I not met it and accepted the responsibility that had been placed on me by this House and by the committee. [Applause.]

Again, not one single member of the Committee on Accounts, either in private or in meeting, has ever presented this matter to me or challenged anything I have done in regard to it. If I am wrong, I pause to hear anyone challenge that statement.

I believe that I am as free from racial and religious intolerance as any man in this House. In my State the races live together side by side; probably about 30 percent of our population are colored, and we are getting along in peace and harmony. This amicable relationship and understanding is reflected in the notable progress of North Carolina.

One day last week a lot of Communists came down to see us. Another day they described themselves as Socialists; another day a demonstration was made by those who claimed to be representatives of the International Labor Defense. Finally, on last Saturday, the supreme outrage occurred, when a mob of toughs and hoodlums from Howard University came down and almost precipitated a riot.

That very morning a respectable colored citizen called up the authorities of that university and pleaded that these students be not permitted to come here, but it went unheeded.

Every paper in this town the day before carried full notice, with blazing headlines, that it was going to be done. Filth, vulgarity, and profanity rang out through the corridors down there. The police told me that never in their lives had they ever taken such insults.

Three splendid ladies pushed their way out of the restaurant into that mob, came to my office, and told me that they would never put their foot in there again on account of the vile and horrible language that had been used in their presence.

A feeble effort was made 2 days ago expressing disapproval of those actions. There was one man who could have stopped it. He did not because he did not want to do it. By reasons of these demonstrations our records show that for the last 10 days the restaurant has lost considerable money, while prior to that we were making some money every day.

I hope, Mr. Speaker, that I have calmly and dispassionately given a recital of the facts and the truth in this matter. Personally, it is a matter of utter indifference to me. I am opposed to any change in the present conduct of the restaurant, but otherwise I do not care. I am always ready to meet, and to meet squarely, any issue that ever arises here in this body, but it is entirely up to Members of the House to settle this whole thing according to both their desires and their tastes. [Applause.]

Mr. WARREN's statement confirms mine, that there is nothing to investigate. He has told the House in plain language all that the committee can expect to learn.

Anyone who has followed this matter cannot come but to one conclusion, and that is that this resolution was advanced purely for political purposes. It might return to plague those responsible rather than redound to their benefit.

Again I say if those who advanced the resolution today are honest and sincere, then there is only one way to settle the question, and that is by the House voting on a resolution such as I have outlined above.

THE NEW DESTINY

Mr. FOCHT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a short letter from a farmer in Union County, Pa., on the milk question.

The SPEAKER. Is there objection?

There was no objection.

Mr. FOCHT. Mr. Speaker, not a new deal.

Just a new destiny, and what will that be, or where are we going to land?

More and more is being uncovered regarding the ultimate purpose of the N.R.A.

But enough has been seen to reveal the fact that recovery is designed but along with it is an imperialistic, autocratic dictum conceived in the emulation of Mussolini by a "brain trust", made up of mostly all theoretical college professors who stand a good chance of breaking into flight when the hypodermic fails to force things faster than natural laws prompt.

In other words, after the World War, Mussolini saw the lassitude of the lymphatic grandson of Garibaldi and descendant of the House of Savoy, sinking Italy deeper and deeper back to the hand-organ and banana-stand stage.

He had visions of Napoleon at Lodi and Arcola, and camping for a year at Milan with the tricolor supreme over Italy, and five armies of Austria under Grand Duke Charles vanquished in one summer.

Before him was dead Italy, a memory of the Caesars and what Napoleon III did to break the yoke of Austria, as the Grand Emperor had done 50 years before.

Like a flash from the sky this Juno told the striking labor unions and the arrogant railroads with special contracts where to get off, and what each was to have, so that the grape pickers and macaroni manufacturers should all be busy. His patent worked.

Then he walked into the Italian Parliament, made up mostly of hereditary Senators, and told them to go home. He told the King to be orderly and all would be well with him and his dynasty. The crowing act was to march the King to the Vatican to wait outside for a time until the Pope was ready to have him come in. That closed a breach between the temporal and spiritual power since King Humbert told the Pope to take hands off of matters political. Mussolini is playing politics and has united all forces because the distance between the hereditary Senators and grape pickers was too vast, so he welded the power of all within himself.

And with the passing of Mussolini, what?

His power will vanish. His dream will have been but a shadow. Italy without a leader of Mussolini's genius, his daring, his power; Italy without resources; Italy with a high rate of illiteracy!

In America it is becoming apparent that the application of some such individual power as that applied by Mussolini is being experimented with by General Johnson. To give men work and thus speed up purchasing power was hailed and commended as a worthy temporary expedient. Members of Congress of all shades of political belief stood by the President and helped apply the hypodermic, even though they knew at best it could afford no more than temporary relief.

It is now becoming apparent that the initial program of putting men to work and forcing codes of regulation down the throats of every business man from the size of Henry Ford to the peanut vendor and shoe shine, instead of merging classes will make them, in fact it can be seen that the ultimate end of it all will be the termination of America's high standard of living, with the big-business fellow bigger and the little fellow gone.

Not competition, but division, according to the theories of the "brain trust." America parceled out into little communities to be the same for a thousand years as in Europe.

Shut off from each other by barriers set up by the code?

But that is not what was designed by Washington, Hamilton, and Jefferson. They opened the country wide and unhindered for the free flow of commerce, for industry to flourish as the result of competition, for the poor to become rich, and the rich to become poor and rich again. Opportunity.

We are eager to see the break and prosperity return, and we believe the turn is here, and was due to be here because of natural laws, and regardless of the N.R.A. and the vast expenditure of money as a temporary stimulant.

One clash of the armies of Russia and Japan would dissolve the "brain trust" and knock all codes into a cocked hat. Natural laws would instantly operate to consume American surplus.

And finally, the destiny of this Nation is in the hands of God, and God will not desert a people who have been so lavish in their contribution to the weak and unfortunate of all hemispheres.

Victor Hugo said Wellington did not defeat Napoleon, but a higher hand broke the power that had mounted to the brain of one man.

We look for the hand of fate to come out of the unknown and win back prosperity and happiness where the weakness and impotence of man stood and wondered, blundered, and failed.

THE MILK SITUATION

There is going to be something doing in the milk business without much further delay in perfecting a satisfactory code.

Nine months have been allowed to pass without anything being accomplished. The milk producers all over the country have been outrageously treated and there is open rebellion in Congress against the attitude of Secretary Wallace and most of his assistants.

The writer attended two meetings of interested dairymen and Congressmen in the big public room in the new House Office Building during the past 2 weeks. It seems some of the trouble comes from favoritism being shown the butter-and-cheese men of the Northwest against the liquid-milk men of the rest of the country.

When protests have been entered at the Department of Agriculture a number of Congressmen said Wallace would not hear them, while his assistants gave no satisfaction and were insolent. It will be recalled what happened in the West last summer when plenty of milk was dumped into creeks and otherwise destroyed. Well, this feeling is some of the left-over from that.

Congressman EAGLE, a very able Democratic Member from Texas, shot a heavy blast at the autocrats, some of whom had never seen a cow, at the last meeting we attended, and again on the floor of the House, Monday, and this vitriolic speech should be in Tuesday's CONGRESSIONAL RECORD.

Congressman EAGLE says it costs $2.30 per 100 pounds to produce milk in Texas, and the code manipulators in Washington only want to allow a sale price of $1.80 per 100 pounds. They refuse to consider the cost of production.

It looks to the writer as though the milk business is the most important branch of farming in the eight Pennsylvania counties constituting the Eighteenth Congressional District. It is therefore our intention to attend all of these special meetings and get the facts, so that we can be helpful in getting this milk business so standardized that the farmer may be able to sell his product at a good profit, and that the consumer may also have a break in the price per quart. In our first address on the floor of the House at the extra session we referred to this, but 9 months have passed since then and nothing has been done, although millions have been appropriated for the purpose of helping the farmer to a price and a market. We sat with Republican floor leader SNELL during the last meeting, and we found him and DAN REED and other New York State Members, deeply interested, and hereafter we are going to help work out something of value for the milk-producing farmers. The Members we met with have their blood up, and our farmer friends may expect something to happen very soon that will be of benefit to them.

SELLING OUT PEOPLE FOR TAXES NOT POPULAR

The following article on selling properties for taxes was written by BENJAMIN K. FOCHT, Republican nominee for Congress, and printed in his Lewisburg Saturday News, August 4, 1932:

Three weeks ago there was much ado about the sale of property for taxes by the county treasurers of Union, Snyder, and Northumberland Counties. The Union County treasurer, Mr. Howard Leiser, demurred on the ground that such action would be a cruel infliction at this time, but officially there was nothing for him to do but proceed to advertise the sales.

That is where a higher law than a misconceived and narrowly interpreted statute was invoked. The Saturday News made a public appeal, and this appeal had its effect all over the State. An appeal to our court by Attorney Miller Johnson was given quick response by Judge Lesher, and since then even proposing to sell out people for taxes in times such as we are all suffering has not gone over very hot but has been universally condemned.

Such a tax law was never passed by any legislature to be narrowly interpreted when men and women are out of work and have no money. Thus taking the broad view suggested by the Saturday News and Attorney Johnson, Judge Lesher, and other Union County officials, virtually called a halt on selling properties for taxes. That law was passed to get people who have money but who are shysters and try to escape their share of public burden, but it was never contemplated to reach out and embarrass those who are thrifty in good times but hard up now, much less strip those who are able and willing to work but cannot find it, of their homes which shelter them and lands from which they draw their subsistence.

No law can mean anything so barbarous, and a great-hearted benevolent people will not see it apply in these dark days of struggle and deprivation.

To the credit of all there has been a suspension of the original design that would have ramified into countless homes and brought more sorrow than a civil war. By a few timely words of appeal to men of heart a catastrophe of tears and anguish has been averted, not only here but in adjacent counties and many that are far removed.

Of all people on earth Americans should comprehend the meaning of "suspension of the rules" and "implied powers." In parliamentary proceeding there is such a thing; Lincoln set aside the Constitution when he sent Federal troops into sovereign States, and later issued the Emancipation Proclamation after Justice Taney had declared slaves to be property in the Dred Scott case; Christ set aside all natural laws when he raised the dead and Himself conquered death; Mussolini has made a joke of the House of

Savoy and Victor Immanuel, who united Italy, by mounting something more important than the throne and bossing the country; the Wright brothers suspended the action of gravitation when they took the air in a machine that was heavier than air; in all emergencies policemen and firemen suspend all other rules and preempt the right of way.

And in times like these, when men and women must suffer deprivation, and in some instances starvation, a power higher and greater than all man-made laws intervenes. Nothing since the Vandals sacked Rome and took away the right of property has anything more inhuman or lacking in the elements of civilization been suggested than to ride over vested rights and sell property for taxes so that the riot of public expenditure may go on as men's hearts sink in despair.

May this all be a lesson in this grandiose riot of spending the people's money at Washington and Harrisburg. Let there be a halt before it is too late to correct by future economy and thrift the errors of the past.

We once heard in the Senate our ideal statesman, Henry Cabot Lodge, in a mighty voice, and all earnestness, call out: "All men must be safe and they must be free." We add to that now silent voice our own sentiment and call for an end to unnecessary taxes, and for people who cannot pay, a reasonable extension but no sales of property. In these homes when the gloom is just beginning to rise and hope again has come to cheer us all, let us remember these words from Leviticus 25:17 and 23: "Ye shall not therefore oppress one another", and "the land shall not be sold forever: for the land is mine."

B. K. F.

A FARMER'S VIEWPOINT

MIFFLINBURG, PA., *April 19, 1934.*

Hon. BENJAMIN K. FOCHT,
House of Representatives, Washington, D.C.

DEAR CONGRESSMAN: I want to bring to your attention the production-control plan which has been adopted by the State of Pennsylvania and by the New York Milkshed, which will work a hardship on the majority of dairy farmers.

Briefly, the plan is as follows: The State control board is to set the price which is to be paid to the farmers for their milk. This price is to be paid as follows: There are three brackets or classifications which determine the price the farmers are to receive for their milk. The first bracket includes bottled milk, for which they are to be paid $2.60 per 100 pounds; the second bracket includes cream, ice cream, etc., for which they are to be paid $1.70 per 100 pounds; the third bracket includes milk used in manufactured milk products, such as canned milk, etc., for which they are to be paid from $1 to $1.40 per 100 pounds, depending on the variation in the price of butter. The third bracket is made up, practically, of surplus milk which could not be sold in the first two brackets.

The result of this classification is as follows: For example, the Sheffield Farms Co., a large distributor of milk, having a preferred market, sells almost all of its milk in the first bracket or classification, thus being able to pay the farmers from whom they buy milk $2.60 per 100 pounds. This gives the farmers selling to this particular company a preference in the price they receive for their milk. And any surplus which the Sheffield Farms Co. may have goes into the second bracket, but none goes into the lower bracket. There are approximately 14,000 farmers selling to the Sheffield Farms Co.

On the other hand, the New York Milkshed is composed of 140,000 farmers. About 20 percent of their milk goes into the first bracket, 30 percent into the second bracket, and 50 percent into the lower or third bracket.

From these facts it can be seen that the farmers selling to a company like the Sheffield Farms Co. have a preference and get a higher price for the same grade of milk than the farmers selling in the New York Milkshed.

In order to equalize the difference between these brackets, the Federal Government should set up a central milk-control board for the purpose of distributing the excess now being paid to the farmers in the higher brackets to the farmers in the lower brackets. In other words, the farmers should be paid equally for the same grade of milk regardless of the brackets in which it is sold.

For example, suppose we have three farmers living in the same vicinity producing grade B milk. The one farmer sells his milk to a company like the Sheffield Farms Co. and receives $2.60 per 100 pounds, because their milk is sold in the first bracket. The second farmer sells his milk to a company which does not have the preferred market and which supplies the second bracket. He receives $1.70 per 100 pounds. The third farmer sells his milk to a company supplying the third bracket and he receives from $1 to $1.40 per 100 pounds. Thus the first farmer receives 90 cents more per 100 pounds for his milk than the second farmer, and from $1.20 to $1.60 more than the third farmer; although there is no difference in the grade of milk produced by these three farmers. The difference in the price being due to the brackets in which the milk is sold by the distributors.

A central milk-control board established by the Federal Government could have this difference of from 90 cents to $1.60 which farmer no. 1 receives in excess of the other two farmers, paid into a general fund and then distributed to all three farmers equally, so that in the end each of the three farmers would be paid the same price per 100 pounds for the same grade milk. Under this plan each of the three farmers would receive from $1.76 to $1.97 per 100 pounds for his milk.

I hope that you will be able to secure some action on this matter by the Federal Government.

Very truly yours, A. D. LINGLE.

HOUSE RESOLUTION 236

Mr. WOLFENDEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the resolution just passed.

The SPEAKER. Is there objection?

There was no objection.

Mr. WOLFENDEN. Mr. Speaker, as the ranking minority member of the Committee on Accounts, I feel called upon at this time to make some reply to the reference made to me by the Chairman of the Committee on Accounts.

In his remarks, as made on March 23, 1934, the gentleman read a resolution offered by me before the Committee on Accounts on March 23, 1933. I did present this resolution, which read as follows:

> That the chairman be authorized to report out all death resolutions without a meeting of the committee, and that the chairman be empowered to use his own discretion in dealing with Members in regard to telegraph, telephone, and all other matters which properly come under the jurisdiction of the Committee on Accounts, including the management of the House restaurant and all rules and regulations pertaining to the same.

It was handed me by the Chairman of the Committee on Accounts and I offered the resolution, identical and similar resolutions having been offered and adopted by the Committee on Accounts since 1921.

The gentleman from North Carolina, Chairman of the Committee on Accounts, is one of the outstanding constitutional lawyers and parliamentarians of this body, and certainly no possible construction could be placed upon this resolution as authority to break the Constitution of the United States under the very dome of the Capitol itself.

Mr. FORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the resolution just passed.

The SPEAKER. Is there objection?

There was no objection.

Mr. FORD. Mr. Speaker, in voting for the De Priest resolution, I do so because I am firmly convinced that it is bad morals, bad law, and bad social usage for the House of Representatives to make any rule or permit any rule that even remotely countenances discrimination against any citizen of the United States in full exercise of his rights as a citizen in the National Capital.

This resolution makes such a charge, and I believe a full and fair hearing should be held. If the charges set forth are sustained, prompt action should be taken to rectify the situation complained of.

I am unalterably opposed to denying any citizen his full constitutional rights, regardless of his race, his color, or his creed.

DISCRIMINATION AGAINST THE NEGRO

Mr. BECK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the resolution just passed.

The SPEAKER. Is there objection?

There was no objection.

Mr. BECK. Mr. Speaker, there should be no division of opinion in this House about the passage of this resolution. It simply authorizes a committee—

> To investigate by what authority the Committee on Accounts controls and manages the conduct of the House restaurant, and by what authority said committee, or any members thereof, issued and enforced rules or restrictions whereby any citizen of the United States is discriminated against on account of race, color, or creed.

I listened with interest to the statement which was made by the gentleman from North Carolina [Mr. WARREN] on March 23 upon this resolution introduced by our colleague from Illinois [Mr. DE PRIEST]. The speech of the gentleman from North Carolina on that occasion seemed to me admirable in the dignity of its manner, its moderation in statement, and its willingness that this committee should be appointed. He recognized that this matter of determining what class or race, if any, should be excluded from the House restaurant was a question for the House to determine.

It may be premature at this time to anticipate what that committee will report; but it will, I believe, find it very difficult to justify the exclusion from a public restaurant, main

tained by the Government of the United States, of any class of citizens because of their color or race. Such discrimination against a race, to which nearly 0.1 of all the people of the United States belongs, is unfair and invidious.

As the House restaurant is now managed, a man or woman, whether a citizen or an alien, can freely enter, unless he is a Negro. An alien from Japan, China, New Zealand, Patagonia, or an Eskimo from the frozen regions of the Arctic Circle can come into the restaurant and no one will say him nay. Only the Negro citizen is excluded, and this notwithstanding the fact that for his benefit and to prevent discrimination against him in the most important of all rights, that of suffrage, the fifteenth amendment to the Constitution was ratified by the States, which forbade any such discrimination either by the United States or by any State "on account of race, color, or previous condition of servitude."

It would be strange, indeed, if that class of our people should not resent a discrimination which opens the door of the House restaurant to an alien of the yellow race and denies it to citizens of the United States of one racial group alone. We have in this House a Representative of that race, the gentleman from Illinois, who introduced this resolution, and I think all of us have been impressed with his usefulness as such a Member and the quiet dignity of his personality. He, as a Representative, can enter the House restaurant and can take with him one or more friends; but he knows the doors of the restaurant are closed to any other member of his race, no matter what distinction such a one may have won in some field of human activity, and even though he has offered his life in defense of our country. Consider what this means.

A member of his race can have the same access to the President as any other man, and President Roosevelt, who is a man of broad human sympathies, would be the last to close the door of the Executive Office upon any member of Mr. DE PRIEST'S race. One of this race can enter the historic chamber of the Supreme Court of the United States, and as a member of its bar argue important cases in that august tribunal. He can enter freely any other public institution maintained by the Federal Government on the broad basis that he is as much a citizen of the United States as any white man, but he cannot have a cup of coffee and a roll in a public restaurant maintained with funds from the Treasury of the United States. Such a one has paid his taxes, been liable to be drafted in time of war, and has often volunteered in time of war. Many of this race did valorous service on the fields of France, and many of them gave to the defense of their country the "last full measure of their devotion" to the flag, but under the present direction of the Committee on Accounts they are denied an opportunity to have a meal in the House restaurant.

I know of no single influence that has had such a baleful effect in all ages as racial prejudice. From the dawn of history to the present day many wars have been fought because of such prejudice. We could fittingly follow the example of the mother country, which judges every man according to his inherent worth rather than the color of his skin, and the strength of the British Empire has been the broad tolerance with which it treats men of all races who come to England. Each of them is judged on his merits; and when I was in London a few years ago, one of the most successful theatrical productions was that of Shakespeare's "Othello", in which Paul Robeson, a colored man, played the part of Othello.

The whole question of racial prejudice is at the moment of vital importance to America in our international relations. If unhappily this country should ever become involved in a war with the great Empire of Japan—and a more futile war could hardly be imagined—the chief contributing cause will be the intolerance of this country in refusing admission to this country, with some trifling exceptions, to a citizen of Japan. The Japanese Empire, one of the proudest of all nations, does not object to our quota system, under which only a few Japanese could ever enter this country as immigrants, but it does object to the fact that the quota privilege, so freely extended to nearly all other nations, is denied to them. This rankles in their breasts and is the chief reason why the shadow of possible war hangs over both countries.

We could better realize this if the positions were reversed, for if Japan allowed citizens of nearly every other country to enter its borders under a quota system, but denied to the United States any such privilege, our pride would be hurt and we would bitterly resent it.

If this be true as to an alien race, an invidious discrimination by the Federal Government in any one of its institutions against a class of its own people seems to me without any justification. We should not put this undeserved stigma upon a race which has contributed so much to the growth and prosperity of our country.

If the Negro was good enough to die for his country in the World War, surely he is good enough to be admitted to a public restaurant, maintained at the expense of the United States for the convenience of all people; and while the Committee on Accounts has seen fit to deny this privilege to one class of citizens, and only one, the House of Representatives has never so ordered and, I venture to predict, never will.

OPEN SEASON ON CRIMINALS

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

The SPEAKER. Is there objection?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, throughout America millions of alarmed citizens are waiting and watching for the outcome of the Dillinger escapade. Our people are slowly yet surely arousing themselves to the realization that crime costs this Nation $15,000,000,000 a year. I have come face to face with statistics showing 12,000 murders, 3,000 kidnapings, 50,000 robberies, 100,000 assaults, 5,000 cases of arson, and 40,000 burglaries taking place every year.

When wild animals become too abundant and destructive to property, the State declares open season on them, which means that they are shot at sight by persons who enjoy the kill. If the open-season privilege fails to bring relief, the State then offers a bounty for heads and pelts. Then the fur and feathers begin to fly in earnest. Instead of merely shooting when occasion arises, men organize drives and go after the culprits for profit.

COUNTRY IS OVERRIDDEN

This country is overridden today with a form of peril a thousand times greater than any it ever faced because of the depredations of wild animals. The common enemy against which the Nation must now defend itself hunts in packs, using high-powered automobiles and airplanes for transportation, and machine guns for persuasion. Wild animals, at their worst, destroyed only property of relatively small value, but these highly organized two-legged animals go in for big loot and do not hesitate to turn a machine gun into action against all who oppose them.

Moreover, those organized enemies of civilization have not only machine guns and speedy transportation, but they have unholy alliances with law enforcement agents, lawyers, and, in some instances, with judges who are supposed to enforce the law against them. Recent disclosures exposed to a horrified populace the almost unbelievable fact that organized criminals actually control and operate penal institutions, giving orders to their keepers and conducting traffic in narcotics and running other rackets from inside the prison walls.

These disclosures tell a sordid story of partnership between criminals and those who are entrusted with law enforcement. Without such an alliance, crime could not endure on the scale that it now exists. The basis of this alliance between crooks and law-enforcement agents is, of course, profit. The criminals divide their loot with agents of the law in return for protection, and I am convinced that this is being done on a wholesale scale, throughout the country.

INVESTIGATIONS USEFUL

There is one thing no criminal and no person protecting criminals can stand, and that is publicity. I am convinced that a sweeping investigation of public officials, at regular

periods, has the desirable effect of keeping them on their guard lest they be caught in questionable transactions. To illustrate the point, observe the effect the present senatorial investigation into the air-mail scandal is having. I dare say that no public official will undertake any form of graft while this investigation is under way. The most helpful factor about the investigation is the publicity connected with it. At any moment it may bring into the limelight prominent names which will be destroyed forever. The fear of such a possibility is a check on crime; especially does it discourage law enforcement agents from forming alliances with criminals; and without such partnerships, criminals are soon caught and subdued. They become bold and highly efficient only when they know that their partnership with the law makes detection or conviction practically an impossibility.

Catching criminals after they have committed crimes is not sufficient to discourage crime when it is being conducted on a wholesale scale, through a Nation-wide epidemic as that which now exists. Something must be done to affect crime before it takes place, and that something, whatever it is, must happen to all who are interested in crime, both the actual perpetrators and those who furnish them with immunity from prosecution. This country has reached the place where open season must be declared on criminals, which means, also, their partners and silent allies.

Sometimes it becomes necessary to fight fire with fire. Gentle methods will never subdue criminals. They know nothing but force and punishment. Once we all get this fact clearly fixed in our minds, and stop coddling criminals and turning them loose in the community on parole, we will have gone a long way toward outwitting these human vultures.

PLANS TO COMBAT CRIME

We must not only declare open season on criminals but we must also offer a rich bounty for their pelts, and I mean just that—their pelts. This desirable end might be reached through some combination of the following briefly described methods:

First. If the American Bankers' Association offered a standing reward of $50,000 for every person killed while engaged in an attempt to hold up a bank and $25,000 reward for every person caught and convicted of this crime, the popular pastime of bank robbery would decline in a hurry, and for the reason that every bank employee in the country would prepare to earn one of these rich bounties. The United States Government might well afford to add to these bounties by offering additional rewards and still save money which is now spent in tracing such criminals.

Second. Every municipality should create a standing reward of a substantial amount payable to those who apprehend and help to convict persons engaged in the more popular form of major rackets, such as kidnaping, bank robbery, and so forth. In the event law-enforcement agents are involved as protectors, those who disclose the alliance should receive similar bounties for their help. There is always some person connected with or cognizant of alliances between public officials and criminals who will tell for a price. This trait of human nature can be and should be capitalized as a means of discouraging alliances between criminals and law-enforcement agents.

Third. In the fight against kidnaping, bank robbery, and other similar major crimes, which now have attained the status of organized rackets, it should be obligatory for the State to offer not only immunity to those who doublecross their allies in crime but they should receive, also, a substantial reward in money—both the immunity and the reward being conditioned upon positive, corroborative evidence, to discourage perjury.

Fourth. The radiobroadcasting systems of the country should be brought into service, and daily broadcasts should be made of the descriptions of all known suspects of crime in the higher brackets, together with the posted rewards for information leading to arrest and conviction. Practically every home, hotel, and rooming house has a radio set. If each of these sets became a possible eye of detection of every criminal, and if there was a monetary motive sufficient to induce people to tune in and listen daily to these broadcasts, the system would result in quick capture of professional criminals. All filling stations (which criminals traveling in automobiles must visit daily) should be equipped with radio-receiving sets connected directly with police headquarters, so the filling station operators might earn a nice fat bonus every time a "Machine-Gun Kelly" drove up for gas.

Fifth. Possession of a machine gun by any unauthorized person should carry with it a heavy prison sentence, and the sale of a machine gun to any but authorized purchasers should carry a similar sentence. The picture, finger prints, name, and address of every person purchasing machine guns for authorized purchasers should be on file in the Department of Justice.

Sixth. Every municipality should have a citizens' vigilance committee, made up of well-known business and professional men, who would carefully inspect the work of all law-enforcement agents and who would see to it that State and municipal bounties offered by the taxpayers were paid to those entitled to them.

Policemen, prosecuting attorneys, judges, and lawyers sometimes enter into partnership with criminals because there is profit and, under present conditions, comparative safety from detection. Change the system, remove this comparative assurance of safety and supplant it by almost certain exposure of those who protect criminals and a mighty blow would be struck at the very heart of the operators of the crime wave which is sweeping this country.

Let us speak frankly and courageously and admit that the crime situation in America has become so ugly that it cannot be met with ordinary, polite, strictly orthodox methods. In the language of the street, we must become "hard boiled" and as merciless as those we are defending ourselves against. We are at war with a highly organized enemy whose system of prey is protected by men enjoying good names and high places in organized business, religion, and politics.

MUST USE STRONG METHODS

We cannot dislodge the enemy until we deprive him of the protection of his front of decency, and this front will not yield to anything except the fear of publicity and the possibility of more direct punishment.

Those who want protection must earn the right to it. Twenty men and women of proved character and integrity and moral courage could band themselves together and wage war so hotly in any crime-ridden city that criminals and those who furnish the protection would be compelled to desist. I repeat, publicity is one of the most effective weapons available for use in discouraging crime and criminal alliances. Second in importance is a system which makes the disclosure of crime and criminals profitable. Crime is carried on because it is profitable, and for no other reason, except in isolated cases. It can be discouraged by a system which makes disclosure still more profitable.

My suggestion is that the people of every city, acting through vigilantes, take steps to make it profitable for those who are aware of crime and the whereabouts of criminals to disclose that information, and that double bounties be paid when and where alliances between law-enforcement agents and criminals are proved. Crime can be discouraged, and eventually brought down to a less alarming level, by making detection sure and profitable.

Organized crime could not carry on without protection. This protection comes from two major sources; namely, law-enforcement agents and crooked politicians and lawyers, who knowingly serve professional criminals in return for fees, the very size of which marks them as being nothing more nor less than a division of the criminal's profits. Here is a problem which deserves the attention of the American Bar Association. Also, there should be rigid laws passed which will discourage lawyers from representing known professional criminals under penalty of becoming accessories to crimes committed by those criminals. Professional criminals are dangerous to society, but they are not half as dan-

gerous as so-called "respectable" citizens who shield criminals with their names and lawyers who provide them with legal protection.

ROOSEVELT LEADS WAY

The President of the United States has demonstrated not only that the people of America have declared open season on exploiters of all sorts and on professional criminals and racketeers but he has also given us a fine demonstration of what can happen when Mr. John Public begins to take an interest in his own affairs instead of leaving everything to professional law-enforcement agents and crooked politicians. No President who ever occupied the White House has been more fully supported in spirit and in deed than President Franklin D. Roosevelt, and the basis of this universal support is the fact that he has shown by his every act that he means to help the people rid themselves of all and sundry persons who have heretofore lived and grown fat from exploitation of their fellow men.

There has never been a time in the history of this country when it was so easy to get a following to back up leaders who have the courage and the honesty of purpose to throw themselves on the side of common decency in this battle for the rights of the people and against the might of gangsters and legally protected exploiters.

Crime will be lowered and criminals will be driven into a corner when the people organize themselves back of a plan that will make the punishment of criminals so certain and so terrible that men will not turn to crime as a profession. When the criminal goes out looking for victims, all rules are suspended, and he takes any form of unfair advantage that may suit his purpose. In dealing with him, when he is caught and before he is caught, all rules should also be suspended, and he should be hunted and punished as ruthlessly as if he had no legal rights whatsoever. As a matter of common sense and justice (although not legal), the professional criminal might well be treated as one who has forfeited all rights to legal protection.

Professional criminals know and respect only a power greater than their own. We have that power, and we should have the courage to use it.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8861) to include sugar beets and sugar cane as basic agricultural commodities under the Agricultural Adjustment Act, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate bill No. 59 to the foregoing bill with an amendment.

In lieu of the language inserted in said House amendment insert the following:

(1) Any sugar, imported prior to the effective date of a processing tax on sugar beets and sugar cane, with respect to which it is established (under regulations prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury), that there was paid at the time of importation a duty at the rate in effect on January 1, 1934, and (2) any sugar held on April 25, 1934, by, or to be delivered under a bona fide contract of sale entered into prior to April 25, 1934, to any manufacturer or converter, for use in the production of any article (except sugar) and not for ultimate consumption as sugar, and (3) any article (except sugar) processed wholly or in chief value from sugar beets, sugar cane, or any product thereof, shall be exempt from taxation under subsection (a) of this section, but sugar held in customs custody or control on April 25, 1934, shall not be exempt from taxation under subsection (a) of this section, unless the rate of duty paid upon the withdrawal thereof was the rate of duty in effect on January 1, 1934.

The Senate insists upon its amendment, asks a conference with the House on the disagreeing votes of the two Houses, and appoints Mr. HARRISON, Mr. KING, Mr. GEORGE, Mr. COSTIGAN, Mr. REED, and Mr. COUZENS to be the conferees on the part of the Senate.

PHYLLIS AND HAROLD LOUIS PRATT

Mr. BLACK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 472) for the relief of Phyllis Pratt and Harold Louis Pratt, a minor, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read as follows:

Page 1, line 5, after the words "Phyllis Pratt", strike out the word "and" and insert "in her own right and as legal guardian of."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

FARMER DELEGATES FROM OHIO, ETC.

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

The SPEAKER. Is there objection?

There was no objection.

Mr. TRUAX. Mr. Speaker, tonight in the caucus room of the old Office Building on the third floor, there is to be a meeting of farmer delegates of the National Farmers' Union from Ohio, Illinois, and Indiana in support of the Frazier-Lemke bill. All Members are invited to attend this meeting.

I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. TRUAX. Mr. Speaker, this meeting is called at the request of farmers themselves. These farmers are from Indiana, Illinois, and Ohio. Their avowed purpose is to secure the enactment of the Frazier-Lemke bill. They know, and no one can fool them, that before the bill can be voted on the motion to discharge the Committee on Agriculture from further consideration of the bill must receive 145 signatures.

Yesterday, April 24, in my remarks you will find a rather complete explanation of this bill. You will also find there the reasons that are cited to prove that this bill is the only legislation that can be enacted during this session of Congress to save thousands of farmers from confiscation of their farms, their homes, and bankruptcy.

Those reasons are twofold. First, the failure of the Agricultural Adjustment Administration program materially to advance prices of grains and livestock in the Corn Belt. Second, the failure of the Farm Credit Administration to refinance adequately farmers' loans which are about to be foreclosed.

Only today I received a telegram from John K. Chaney, a farmer living in Wood County, Ohio, who has given much of his time to the saving of farmers about to be foreclosed. Mr. Chaney wires me that a farmer, Francis Kunesh, Ney, Ohio, owns 240 acres of land. I happen to be familiar with the land in that particular territory. It is level, black land, well drained, very fertile, and in the most productive belt in Ohio. That land in 1909 was easily worth $100 an acre. The Farm Loan Act of 1933 makes it mandatory for land to be apprized at its 1909 value, then lend the owner 50 percent of that appraised value. Yet Mr. Kunesh's application has been rejected. His application was for $5,000, or approximately $20 an acre.

Yet this loan was refused by the Federal land bank at Louisville, has been foreclosed, and the foreclosure will be confirmed next Monday by the common pleas judge of Defiance County unless I am successful in having the Federal land bank intervene and save this man. Accordingly, Mr. Ernest Rice, general agent for the Farm Credit Administration at Louisville, was notified today, and I feel sure that he will order a reappraisal of this farm and notify Judge Openlander of his action.

A communication under date of April 21 was received from Hon. Harry W. Frick, State representative from Tiffin, Seneca County, Ohio. Mr. Frick advises me of the dire

straits in which the owners of a farm of several hundred acres of the best farming land in the county, situated just outside the city limits of Tiffin, Ohio, find themselves.

The owners have made application for a loan of $22,000 and were granted $14,800 by the Federal Land Bank of Louisville, Ky. This farm, which is of the highest fertility, and which in 1909 was worth $150 an acre, and the value greatly enhanced because of its close proximity to a thriving city of 15,000 people, would amply support a loan for the required amount, and it cannot be refinanced with a lesser amount of money.

The ability and industry of the owners to pay off the mortgage is beyond question. They are the owners of a dairy herd which brings them an income of around $200 a month now, at the ridiculously low prices of dairy products.

Such cases as these come to my office literally by the score. Hundreds of them are on file now awaiting reappraisals which have been promised. Hundreds of others have been reapprized, and many of them rejected. The Farm Credit Administration set-up is not in sympathy with distressed farmers. It is "banker" minded. It is averse to taking any action which will eliminate the strangle hold of the money kings and bond grabbers of this country on those unfortunates who are losing their homes and their farms by the confiscation route every time the sun rises and sets. This is why we demand action on the Frazier bill.

It is not alone for the farmers who are fighting for freedom against slavery and serfdom of the money lenders that I speak ; it is for all others of our distressed citizens who are forced to borrow money from the Shylocks.

The Reconstruction Finance Corporation has lent billions of dollars to bankers—good and bad—to insurance companies, to railroad companies, to mortgage-loan companies, to 36-percent loan sharks, upon good security, and upon questionable security. The bankers hoard this money which the Government, through the taxpayers, has advanced.

Under present laws and regulations they are required to keep twice the amount of actual currency on hand as in former days. In the majority of cases they serve only as depositaries of the people's money. The ordinary man or woman cannot borrow money from them. Small industries cannot borrow money from them, with the result that the captains of industry and the money kings get the bulk of the swag. This unfair and piratical system must be corrected. The same opportunity to borrow money from the Government at low rates of interest must be afforded to the unemployed worker, to the distressed small business man, small industrialist, and to others.

Naturally, the Government must have good security. So, in accordance with this viewpoint, I am introducing today in the House of Representatives a bill that will make possible loans to the individuals and classes heretofore mentioned. An individual borrower will be required to give the same security that is now required by the Morris Plan Banks, or in lieu of that, give security that is acceptable in the normal course of banking business.

My bill authorizes and empowers the Reconstruction Finance Corporation to make personal loans secured by promissory notes of the borrower with one or more comakers, or with other acceptable security. It provides that section 5 of the Reconstruction Finance Act as amended is amended by adding after the first paragraph thereof the following new paragraph:

> The Reconstruction Finance Corporation is authorized and empowered to make loans, through such agencies as it may designate or create, to individuals, partnerships, or corporations, upon the security of promissory notes of the borrowers with not less than one comaker, or with such other security in lieu of comakers' endorsements as the Corporation may deem adequate, upon such terms and conditions as it may prescribe pursuant to this section.

The only difference in securing individual loans under my bill and through the lending agencies now in effect, is that instead of paying 7, 8, and 10 or 12 percent, the borrower will pay only 4 percent, since my bill provides that the rate of interest on all such loans shall be 4 percent per annum. [Applause.]

As further evidence of my avowed policy to help all of our financially stricken people, I heartily approve of the action we are now taking to bring the McLeod bill on the floor of this House for vote. We do not expect nor ask that the bill be enacted as drafted. We are willing that it shall be so amended as to include all closed banks, whether members of the Federal Reserve System or not.

We are willing to accept an amendment that will limit pay-offs in full to all accounts which do not exceed $2,500. What we want is action on some bank depositor pay-off bill before this Congress adjourns.

I, myself, have introduced a bill which is based on the principles of the McLeod bill, but which contains the amendatory provisions herein mentioned.

No one can say that the plan proposed under these bills is not a good plan. No one will seriously contend that it is not a humanitarian move. No one will maintain that the plan is not a commendable one. The plan should not by any means be confined to national banks or State member banks of the Federal Reserve System. Every depositor in a State bank is just as much a citizen of the United States as the man who placed his funds in the national bank, and as such a citizen he is fully entitled to be a beneficiary of the proposed plan.

Depositors in the State banks cannot lose their all and at the same time be taxed to support a plan that would benefit the national bank depositor. It goes without question that heretofore all banking laws, whether State or national, were so worded as to be misleading to the general public. No sane and intelligent people would ever have intrusted their hard-earned life savings in banks had they known the weakness of the so-called "safety" that the bankers themselves provided. To clarify this statement, let me say that the laws and statutes on our books were deceiving in that they could be construed one way and interpreted another.

Those laws were, and still are, essentially drafted for the benefit of the bankers instead of the depositors. In a civil and criminal investigation of defunct banks in my own State of Ohio it was proved conclusively that depositors were deliberately misled and misinformed by bankers and public officials sworn to the solemn duty of upholding the banking laws and protecting the rights and interests of depositors, big and little, high and low.

They were mouthpieces for bankers' propaganda, and preached and talked safety and confidence in the banks and in the bankers. The banker proclaimed blatantly and with much gusto, "This bank inspected by the State banking department." Again, "This bank is a member of the Federal Reserve System."

Here arises the important question as to why the Government of the United States should pay off these depositors who were duped and defrauded, the same as were innocent purchasers of Insull stock, railroad stocks and bonds of industry, stocks and bonds of public utilities, duped and defrauded by the banking racketeers and pirates.

The laws were inefficient, incomplete, as full of holes as a moth-eaten coat, and utterly unable to protect those whom they were expected to protect—the depositors. Since banking laws permitted and countenanced these inconsistencies and permitted public confidence to be raped and embezzled, then it is a moral obligation of our Government and of the Congress of the United States to make it possible for these toiling masses to be reimbursed for the losses incurred through no fault of their own.

These losses do not represent speculation. They do not represent investment with hope for gain in capital. They represent life savings deposited for a competence in declining years, deposited for the education of their growing children, deposited for a rainy day, deposited to buy more conveniences and necessities of life.

If these deposits had been made for the purpose of reinvesting, if they had been made for the purpose of speculating on the New York Stock Exchange, or for the purpose of speculating on the Chicago Board of Trade, or for the purpose of speculating in lotteries, or for the purpose of speculating in other gambling deals, then, as Kipling says, "That is another story."

And now, today, to those who contend that, if bank depositors are reimbursed then the Government must reim-

burse those who lost in stocks and bonds, in security and bond investments, my answer is, "That is another story."

Under the plan we propose, we will help the little depositor, instead of the big one as some claim. This is not mere conversation. It is not propaganda. I can prove to you that in my own State the plan we now propose, namely, a limitation of full pay off to $2,500, will relieve thousands of our citizens.

In an official report received recently from Hon. Theodore H. Tangeman, director of commerce, for the State of Ohio, I find that during the 4-year period ending December 31, 1933, 178 banks have closed, impounding deposits of $513,011,119. Of the 178 banks closed during the period covered by this report, 143 remained in liquidation on December 31, 1933; 27 having been reopened and 8 sold. The report indicates that, of the $513,011,119 of deposits impounded in the closings, $233,745,333 have been released to depositors through cash dividends, offsetting obligations, reopenings and sales; representing an average percentage return to depositors of 45 percent. The report states: This does not mean that every depositor in each closed institution has received 45 percent of his deposit; some have received more, others less, depending on the circumstances surrounding liquidation in each unit.

The comparison of deposits by the member and nonmember banks, closed from January 1, 1930, to December 31, 1933, discloses the following:

	Number	Deposits
State nonmember banks	158	$166,787,033
Federal Reserve member banks	20	346,224,086
Total	178	513,011,119

From the foregoing, it is apparent that the average amount of deposits in the nonmember banks was $1,055,614, and the average total amount of deposits in the 20 Federal Reserve member banks was $17,311,204.

In liquidating these banks, the sum of $36,449,006 was borrowed from the Reconstruction Finance Corporation and solvent banks in Ohio. Of this amount, we find that one bank in Cincinnati received $1,307,670, the 5th-3d Union Trust Co. of Cincinnati. The Union Trust Co. of Cleveland received $13,343,491 from the Reconstruction Finance Corporation and $5,000,000 from the National City Bank of Cleveland, Ohio. The Guardian Trust Co. of Cleveland received from the Reconstruction Finance Corporation $11,162,036 and $5,188,809 from the National City Bank of Cleveland, Ohio, making a grand total of $32,839,970 received by three large banks, while 25 smaller banks received the comparatively small sum of $3,610,038 from the Reconstruction Finance Corporation and from some 12 or 15 Ohio banking institutions.

These statistics and figures are given to indicate that the big bankers and particularly in Ohio were the beneficiaries of the millions that were obtained to pay dividends. These large banking institutions in the case of the Union Trust Co. and the Guardian Trust Co. of Cleveland also proved to be the worst racketeers and violators of the law.

A number of officials of these banks have been and are still being indicted. For these racketeers I hold no briefs nor sympathy. I am not so much interested in securing relief for the big depositors as I am for the small ones.

This is a frank statement. Nevertheless, it is only by taking care of the little fellow first that we can ever get this country back on its feet again. [Applause.]

LOVETTE *v.* REECE

Mr. PARKER. Mr. Speaker, I present the following privileged resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 358

Resolved, That O. B. Lovette was not elected a Representative to the Seventy-third Congress from the First Congressional District of the State of Tennessee, and is not entitled to a seat therein.

Resolved, That B. CARROLL REECE was duly elected a Representative to the Seventy-third Congress from the First Congressional District of the State of Tennessee, and is entitled to retain his seat therein.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ELLIS *v.* THURSTON

Mr. PARKER. Mr. Speaker, I offer the following privileged resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 359

Resolved, That Lloyd Ellis was not elected a Representative in the Seventy-third Congress from the Fifth Congressional District of the State of Iowa, and is not entitled to a seat as such Representative.

Resolved, That LLOYD THURSTON was elected a Representative in the Seventy-third Congress from the Fifth Congressional District of the State of Iowa, and is entitled to a seat as such Representative.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ELECTION CONTEST—M'ANDREWS *v.* BRITTEN

Mr. PARKER. Mr. Speaker, I offer a privileged resolution, and ask its immediate consideration.

The Clerk read as follows:

Resolved, That James McAndrews was not elected a Representative to the Seventy-third Congress from the Ninth Congressional District of the State of Illinois, and is not entitled to a seat therein.

Resolved, That FRED A. BRITTEN was duly elected a Representative to the Seventy-third Congress from the Ninth Congressional District of the State of Illinois, and is entitled to retain his seat.

Mr. SABATH. Mr. Speaker, I desire to be heard briefly on this matter.

Mr. PARKER. Mr. Speaker, when I asked that these resolutions be taken up this afternoon, I agreed with the gentleman from Massachusetts [Mr. DOUGLASS] that if any time was to be consumed I would not offer them until tomorrow. If Members wish to be heard on the resolution, I shall ask unanimous consent that it be taken up as the first order of business tomorrow after the reading of the Journal and the completion of business on the Speaker's table.

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

Mr. PARKER. I yield.

Mr. BRITTEN. Mr. Speaker, I hope the gentleman will let the House decide the matter now. I do not think the gentleman from Illinois desires much time. I suggest that the matter be disposed of now.

Mr. PARKER. I should be pleased to do that, but for my agreement with the gentleman from Massachusetts [Mr. DOUGLASS].

Mr. DOUGLASS. Mr. Speaker, I have no objection to a brief statement; but if there is to be any extended discussion, I shall object, for we have been trying during the course of 2 or 3 weeks to get this vocational-education bill to the floor of the House.

Mr. PARKER. Mr. Speaker, I ask unanimous consent to withdraw the resolution at this time and that it may be taken up tomorrow immediately after the disposition of business on the Speaker's table.

The SPEAKER. The resolution is privileged, and the gentleman can call it up at any time.

VOCATIONAL EDUCATION

Mr. BANKHEAD. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 324.

The Clerk read as follows:

House Resolution 324

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H.R. 7059, a bill to provide for the further development of vocational education in the several States and Territories; and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour, to be equally divided and controlled

by the Chairman and ranking minority member of the Committee on Education, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BANKHEAD. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. RANSLEY] the usual 30 minutes on his side for control on the rule.

Mr. Speaker, it is my purpose to consume only a few minutes in presenting this resolution with the understanding that this was a unanimous report from the Committee on Education, as I believe it was.

In order to conserve time for the consideration of other bills that are pressing for action, the Committee on Rules has granted but 1 hour of general debate for the consideration of this bill. I have had no requests from members of my committee on this side for time on the rule; and, in order to accommodate some members of the Committee on Education who desire to speak on the bill, unless there is objection, at the conclusion of my brief statement I shall be glad to let the gentleman from Massachusetts [Mr. DOUGLASS], Chairman of the Committee on Education, yield the balance of the time that might be left to me on the resolution.

Mr. Speaker, I know of nothing that I may add to the report of the committee on this bill. This program of Federal aid to vocational education has been the law of the land for quite a number of years. I have always been an ardent advocate of these appropriations, and, although some gentlemen for whose opinions I have the very highest respect and regard differ from my attitude upon the matter, I feel that the appropriations out of the Federal Treasury for this purpose by experience and trial have amply justified themselves by way of benefit conferred upon the youth of our country.

Mr. McFARLANE. Mr. Speaker, will the gentleman yield for a short question?

Mr. BANKHEAD. Yes.

Mr. McFARLANE. Does this bill make any change in the method of allotment that has been followed in previous bills?

Mr. BANKHEAD. If I am in error in answering this question it will be corrected by members of the committee when they come to discuss the bill; but my information is that the provisions of this bill conform substantially to the provisions of the existing George-Reed Act, which is the authorization under which this appropriation has been made for the last 3 years. I may state, Mr. Speaker, that the committee has added one feature to this bill, which, although it does not increase the appropriation, I think is most desirable in order to make it more equitable in its application as representing benefits conferred upon all classes of our population.

Under the original bill these sums were only extended for vocational education in agriculture and in home economics. The pending bill provides that one third of the appropriation authorized by it shall be applied to industrial and manual training outside of rural communities. In other words, it will give to the boys and girls of industrial sections who may desire to secure some form of manual or industrial training equal opportunity in this respect to those in the rural sections of the country.

As I said, Mr. Speaker, this policy has become almost a national policy upon the part of Congress. As originally introduced this bill provided that these appropriations should be permanent in their nature. I think very properly the Committee on Education has limited its operation to a period of 3 years, authorizing an appropriation of $3,000,000, out of the Federal Treasury to be allocated to the States under the old system which we so well understand.

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

Mr. BANKHEAD. I yield.

Mr. SNELL. Is there anything in this bill that requires an equal appropriation by the States receiving the benefit?

Mr. BANKHEAD. Yes; as I understand, it preserves the old 50-50 principle.

Mr. SNELL. Just the same as it was originally passed?

Mr. DOUGLASS. It is the same provision as in the Reed bill, 50-50.

Mr. McDUFFIE. May I ask the gentleman how much additional cost this puts upon the Federal Treasury per annum?

Mr. BANKHEAD. Unless I am in error, this provides no additional cost out of the Federal Treasury over and above the current authorization for this purpose. If I am mistaken, I should like to be corrected. I may say to the gentleman from Alabama that under the terms of the Economy Act a reduction was made in the amount actually allocated the present fiscal year. I do not know the exact amount of the curtailment, but it was probably 25 percent. I shall ask the gentleman from Mississippi [Mr. ELLZEY] to state whether or not this authorization is the same as in the present law minus the deductions under the Economy Act.

Mr. ELLZEY of Mississippi. Under the operations of the George-Reed Act there was $2,500,000 allocated. This bill carries an appropriation of $3,000,000, but an additional $1,000,000 has been added for the training in trade and industry.

Mr. BANKHEAD. Unless there are other questions, I yield to the gentleman from Pennsylvania [Mr. RANSLEY] 30 minutes, to dispose of as he sees fit. And, Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. DOUGLASS], chairman of the committee, may yield the remainder of my time.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. RANSLEY. Mr. Speaker, I yield 20 minutes to the gentleman from Connecticut [Mr. BAKEWELL].

Mr. BAKEWELL. Mr. Speaker, I rise to speak in favor of this bill, and may I preface my remarks by saying a few words about the purpose and the value of vocational education, using this term in the broad sense to include the other subjects here mentioned, not merely trade and industry but agriculture and home economics as well. May I also be permitted to relate an incident that occurred in the legislature of my own State in the committee on education at the time when it was my privilege to be serving as chairman of that committee?

At the first meeting of the committee a gentleman who came from a farming district, arose and said: "Before we go any further, I think that I ought to make plain my position with regard to this here education. I do not know as I am much for it, anyway, and I will tell you why. When I was a boy a fellow came to our town, and he came to our school to talk to us boys about the value of education. This is what he said: 'Boys, as I was walking along the road this morning I saw a man sitting on the bank watching five other men dig. Now, boys, why was that fellow sitting on the bank? It was because he had education; you get education, and you can sit on the bank and watch the other fellow dig.' And he added: 'The trouble nowadays is that everybody has education, and everybody wants to sit on the bank, and nobody wants to do the digging.'"

Having told this story, I must, in justice to the gentleman whom I have quoted, add that he proved to be a man of great sagacity and of most uncommon common sense, and one of the most useful and helpful members of the committee.

With regard to the larger problem which he presented I have no solution to offer. Were I building Utopias after the modern fashion, I might perhaps suggest that this situation might be met, as my friend William James once suggested, by drafting all the young women and young men into a large army, and requiring them to serve for a year, or possibly 2 years, under strict military discipline, compelled to do the jobs that no one wants to do—the unpleasant jobs, the drudgery jobs. But I am not building Utopias, and I shall pass over that larger question. There is, however, another question closely connected with it which immediately concerns us. As our educational system in this country has developed, it has become more and more stand-

ardized, the wheels have been well oiled, all the children are moved forward together from grade to grade in the grammar school, from grammar school to high school, and from high school to college or university without having been properly prepared for any promotion. The result is a twofold evil. In the first place, there is a very large number of persons who go through this mill and come out at the end who are by their education spoiled for the tasks for which they are by nature adapted, and at the same time not qualified for those pursuits to which they aspire. We have a very large number of young men and young women in this group, and they constitute a menace to civilization. These people remind me very much of a man named Peter Soderini. I do not know much about him, but his life history is told in these brief lines:

The night that Peter Soderini died,
He at the gates of Hell himself presented,
"What! You come to Hell, poor soul demented,
Go to babies' limbo," Pluto cried.

These people find themselves very much in the position of Peter Soderini. They are persons who, in the words of the Scotch proverb, are "Nae fit for Heaven, and would ruin a' Hell." This is the group that constitutes the great recruiting ground for our criminals, high and low.

What we have been doing through this educational process is setting up an industry for the mass production of social misfits. The second unfortunate result is that there has been a very great exaggeration of the importance, the worth, and the dignity of what might be called the "kid-glove" jobs. Vocational education aims to remedy both of these defects. In the first place it drives home the truth that a skilled trade is as honorable and as useful a way of earning a living as any other, and is entitled to just as much social recognition. The second and the more important result is that it ties up education to the native interests and aptitudes of the pupil, laying the foundations for a sound education, and preparing him to be a self-supporting and self-respecting citizen.

Mr. Speaker, I come from a State that is very much opposed to all types of grants in aid that are to be matched by the State, and particularly to such grants when they apply to education.

We are able to bear our own educational burden, and we feel that every State should do the same, and that if a State is not able to do so it has no right to be a State but should become again a Territory, in which case the Federal Government could carry all of its burdens. But there is this to be said with regard to this particular bill. The purpose of the Smith-Hughes Act and the purpose of the George-Reed Act, of which this is the sequel, was not to take care of vocational education in the States. The aid given by the Federal Government is a mere trifle. In my own State of Connecticut what we receive from the Federal Government amounts to $35,000 in round numbers, and what we spend is $380,000. The Federal contribution is, therefore, a very small part of the cost. These measures, however, were introduced in the first place not to pay for this work but in order that the Department of Education of the Federal Government might pass on to the States this general program of educational work, stimulate their interest in it, get it started, taking it for granted that the States would then carry their own burden.

If this bill were permanent legislation, I should be unalterably opposed to it. It was introduced as permanent legislation. This the committee refused to sanction. It was first suggested that the period be limited to 5 years. I myself would have preferred to have it 1 year, but, as a compromise, it was made 3 years. All the members of the committee were agreed that this is no time to withdraw this relief; that this period of depression is not the time to economize on this important work.

I feel, therefore, that it is necessary that this aid should be continued for the coming year, and I am willing to support the proposal that it should be continued for 3 years. I hope the measure will be enacted into law.

I do not know that it is necessary to take any more time to discuss this question; but I do hope that those who are opposed to grants in aid on principle, as I am, will not regard this as a bar to voting for this bill. The amount is small; the work is of vast importance; we must continue this stimulation of interest in all of our communities. At the same time we expect and demand that they stand on their own feet, when once they get their own houses in order, and do not come back knocking at the Federal door.

Mr. DONDERO. Will the gentleman yield?

Mr. BAKEWELL. I yield to the gentleman from Michigan.

Mr. DONDERO. Can the gentleman tell the amount of a Federal tax dollar that goes to education?

Mr. BAKEWELL. I cannot give the gentleman that figure, but it is relatively very small.

Mr. DONDERO. The gentleman has not that in percentage or in amount?

Mr. BAKEWELL. No; but it is a very small amount. This bill is only $3,000,000; and in these days, when we talk in terms of billions, that is a bagatelle.

Mr. CHRISTIANSON. Will the gentleman yield?

Mr. BAKEWELL. I yield to the gentleman from Minnesota.

Mr. CHRISTIANSON. In view of the national interest in maintaining an intelligent citizenry, does the gentleman not believe there is a difference in principle between Federal aid in behalf of education and Federal aid in behalf of other projects to which such aid is given?

Mr. BAKEWELL. I do; but I should like to say that the real danger of Federal aid to education, we all realize, is Federal domination of education in the States. This is the worst thing that could befall. Education must be left to the States and to the local communities if it is to be well and effectively done. We fear where money is given, dictation will follow.

Mr. CHRISTIANSON. May I say to the gentleman that in that I thoroughly agree with him?

Mr. BAKEWELL. I would say further that, in my judgment, nothing is more important in a republican form of government than an enlightened and educated citizenry, and nothing is more menacing to the welfare of the country than ignorance, save only one thing. There is one thing that is worse than ignorance and more menacing than ignorance, and that is conceit of knowledge where no real knowledge exists; and this is what results when we keep putting these children through the schools in this mechanical fashion. They come out in the end with very, very little knowledge of very many things, and this is the real danger to the country.

Mr. CHRISTIANSON. And does not the gentleman believe that that very situation may arise out of the fact that under present economic conditions many communities and some States may not be able to give to the growing generation the kind of education that the gentleman has denominated as real education?

Mr. BAKEWELL. Yes. I think this bill will help bring about the result that we all desire, and for that reason I favor it. [Applause.]

Mr. DOUGLASS. Mr. Speaker, I shall have but one more speaker tonight, and I yield 10 minutes to the gentleman from Wisconsin [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I rise to seek consideration and advocate the support of the vocational education appropriation bill, H.R. 7059. This measure as proposed is planned and designed to meet a problem of national need and importance. It is of vital interest and deep concern to the citizens of the State I have the privilege to represent in Congress. The great Commonwealth of Wisconsin pioneered in the field of vocational education. Long recognized as a State of liberal and progressive trends and tendencies, it early appreciated the need and necessity of a large group of our people for part-time vocational education. With resolution and courage, Wisconsin accepted the challenge this condition presented and with vision, wisdom, and energy planned a system of part-time vocational education that serves efficiently a large number of its workers, youth and adult, rural and urban, with exceptional educational opportunities. In the year 1911 our legislature enacted a

part time school law that for 23 years has been part of the organic law of the State. To obtain this enabling legislation was no easy task. It met with strong, vigorous opposition that was active and organized. As a plan of education it was condemned and criticized as impractical, ineffective, and expensive. Fortunately, success attended the untiring, unselfish effort of a group of educational pioneers and experimenters, and in their labors they created a system of vocational education involving three great principles, all essential to the success of the plan. The principles laid down as the foundation for this program are as follows: First, a separate administrative board representing the groups directly affected in the administration of the part time school law, namely, employers, employees, farmers, and the public; second, a separate fund provided by a mill tax, thus insuring adequate financial support; third, an effective part time school attendance law for juvenile workers.

The administration system as applied in the representative principle has proved sound and effective. Representatives of capital, labor, farm, and the public assures a broad and impartial policy and management. Partisanship under this plan of administration is impossible, for all divisions of industry and workers have a voice and a vote and receive equal and just consideration. This balance of representation is true of both State and community boards. The vocational management and the vocational school is a joint project of all these community interests and divisions and treat impartially and with equity all the problems of the whole group. Wisely it provides an adequate financial support by an application of local mill tax, not to exceed 1½ mills, and further provides a State aid to supplement these local taxes. A strong and effective school-attendance law for juvenile workers assures educational influence in the lives of all of our youth and requires school attendance to all juveniles until the age of 18 years is reached. With the growth and development of vocational education throughout the Nation, Federal aid was urged, and in 1917 the Smith-Hughes Act guaranteeing these aids became law. It created a Federal Board for Vocational Education and granted aid to the States for trade, industrial, home-making, and agricultural education, provided the States do their share in appropriating funds for the same purpose. Under this plan of local tax support and State and Federal aid, vocational education in Wisconsin has made great strides and grown to flourish to great service and accomplishment. This attainment is registered in the record that points to 38 vocational schools, 43 evening schools. These units are part of the city vocational training program. One hundred departments of vocational agriculture and 22 departments of home economics are established and are serving the rural plan. These schools are spread out in all sections of the State. They are well housed and equipped. They are manned by instructors, men and women, qualified by character, ability, and education to train, direct, and guide the groups that are served. The influence of the vocational school has reached out to directly contact more than 100,000 of our people in this current school year—men and women, both youth and adult, employed and unemployed, of the rural and urban districts—making these institutions and their activities real community centers for people of all ages and all callings, whom it trains, guides, and educates.

In the current school year it involved an expenditure, in round figures, of $2,558,000. Local tax raised in excess of $2,000,000 of that amount; State aid contributed $339,000, and the Federal aid totaled $162,000. Note that the large burden is on the local community and that the State aid supplements it in a generous manner, and that the Federal aid is not in excess of 6½ percent of the total. Planned as it is on well-grounded principles of education, administration, and instruction; developed, supported, and fortified by these factors of tax, we have erected a strong, comprehensive, and effective plan of education for great numbers of people. It has succeeded in a large measure through the years, and no better testimony of this truth is registered in a recent statement following an extensive survey as made by an interim committee on education. In part, this report states—

Wisconsin has reached the enviable position of world-wide leadership in the field of vocational education. Educators appearing before the committee from both the Middle West and East were high in their praise of what is being done educationally in Wisconsin for the working youth and adult. Scores of reports, books, and surveys suggest Wisconsin as worthy of imitation in the educational field. Early in the work of the interim committee it was apparent that vocational education offered no major problems for solution.

The record that vocational education has made in its steady growth and progress throughout the Nation justifies the Government making it a permanent part of its educational program. Its services, as rendered under normal conditions, have proven large and effective, and through the years' scope of its service and the field of its activities has grown and widened.

It is not difficult to understand that in a period of depression which has prevailed for a period of more than 4 years, with its unemployment and lack of work opportunity for the toilers of America, that out of this condition would grow a greater demand for such an institution. This is particularly true in the unemployed youth of our Nation. Thousands of them, graduates of our high schools, mentally alert and physically able, face a world which offers no work opportunity; with a strong desire for further education, they are denied that opportunity by lack of funds. Hopeless and discouraged, in idleness and despair, are we to leave them to the streets and the influence of unrest, discontent, and crime? More than any other institution in our whole scheme of education can vocational schools serve in this, the hour of their despair. It grants to them continued educational opportunity and training, organized effort, and discipline, a real force to assist them through these years of trial and trouble; and in the education they attain and the discipline they will meet they will be built up to serve when opportunity presents itself. In healthy study and occupation they will find new hope, cheer, and happiness. This is not the only group to know and receive the benefit of vocational training, but the adult, employed and unemployed, through this program can add to their educational equipment and opportunity, giving them better training, better viewpoints of life, and added equipment for intelligent and efficient service. As a nation we are conscious of the fact that it is a national obligation to educate our people. As a nation we cannot neglect that duty; to forget it is unwise and un-American. This Federal appropriation has contributed much to the growth and the progress of vocational education for the last 17 years. It is an essential part of it. In many instances it means the very existence of these institutions. In eliminating Federal aid it will have the effect of reducing State support and encourage local tax reductions. It would be a destructive policy that would threaten with defeat this successful form and method of practical part-time education.

It is my belief that in the continuation of this support and the passing of this appropriation at this time that it will fortify vocational education in the State and in the Nation and continue in force and effectiveness this plan that contributes so much to the welfare of our people. Investigation would show that organized labor and all groups of workers are definitely behind vocational education. Their leadership has urged in State and Nation the growth and development of this plan. It has the stamp of approval of the industrial leadership of America, particularly that group that make it a part of their management to study the needs, the aims, and objectives of their workers. This group has shown a sympathetic and understanding support of vocational part-time education. Able, farsighted, and forward-looking educators approve and encourage this educational development as a worthy and essential part of the national educational progress. The support of the Congress is sought to make this appropriation of $3,000,000 at this time. In my opinion, it would be a wise and patriotic action for us to take. [Applause.]

SUGAR BEETS AND SUGAR CANE

Mr. JONES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H.R. 8861, to include sugar beets and sugar cane as basic agricultural commodities

under the Agricultural Adjustment Act, and for other purposes, and agree to the Senate amendment.

The SPEAKER. Is there objection?

There was no objection.

Mr. SNELL. Has the gentleman consulted the minority members of the committee?

Mr. JONES. Yes; I have seen the other Members.

The Clerk read the Senate amendment, as follows:

In lieu of the language inserted in said House amendment, insert the following:

"(1) Any sugar, imported prior to the effective date of a processing tax on sugar beets and sugar cane, with respect to which it is established (under regulations prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury) that there was paid at the time of importation a duty at the rate in effect on January 1, 1934, and (2) any sugar held on April 25, 1934, by, or to be delivered under a bona fide contract of sale entered into prior to April 25, 1934, to any manufacturer or converter for use in the production of any article (except sugar) and not for ultimate consumption as sugar, and (3) any article (except sugar) processed wholly or of chief value from sugar beets, sugar cane, or any product thereof, shall be exempt from taxation under subsection (a) of this section, but sugar held in customs custody or control on April 25, 1934, shall not be exempt from taxation under subsection (a) of this section, unless the rate of duty paid upon the withdrawal thereof was the rate of duty in effect on January 1, 1934."

Mr. SNELL. Will the gentleman explain in a few words what this does?

Mr. JONES. It does what was intended to be done by the other amendment. In exempting from the tax certain sugar held in stock, there was not included in the House amendment stock of domestic sugar on hand, also sugar made in this country and to be used for manufacturing purposes other than as sugar.

Mr. SNELL. It means what you intended to mean in the original bill?

Mr. JONES. Yes.

The Senate amendment was agreed to.

Mr. BANKHEAD. Mr. Speaker, how much time is left on the rule?

The SPEAKER. The gentleman from Pennsylvania has 29 minutes left and the gentleman from Massachusetts 15 minutes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. DARDEN (at the request of Mr. ROBERTSON), indefinitely, on account of death of a friend.

To Mr. MARLAND, indefinitely, on account of important business.

To Mr. O'MALLEY (at the request of Mr. BROWN of Kentucky), indefinitely, on account of illness.

To Mrs. CLARKE of New York (at the request of Mr. SNELL), indefinitely, on account of death in the family.

SPEAKER PRO TEMPORE TOMORROW

The SPEAKER designated Mr. PARSONS to act as Speaker pro tempore tomorrow.

BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 5075. An act to amend section 1 of the act entitled "An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes", approved June 25, 1910, as amended; and

H.R. 8471. An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1935, and for other purposes.

ADJOURNMENT

Mr. DOUGLASS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 12 minutes p.m.) the House adjourned until tomorrow, Thursday, April 26, 1934, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

422. Under clause 2 of rule XXIV a letter from the Secretary of War transmitting draft of a bill to authorize the Secretary of War to dispose of certain plots of ground no longer needed for cemeterial purposes, which the War Department presents for the consideration of the Congress, was taken from the Speaker's table and referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SOMERS of New York: Committee on Coinage, Weights, and Measures. S. 2901. An act to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Arkansas into the Union; without amendment (Rept. No. 1313). Referred to the Committee of the Whole House on the state of the Union.

Mr. SOMERS of New York: Committee on Coinage, Weights, and Measures. S. 2966. An act to authorize the coinage of 50-cent pieces in commemoration of the three-hundredth anniversary of the founding of the Province of Maryland; without amendment (Rept. No. 1314). Referred to the Committee of the Whole House on the state of the Union.

Mr. SOMERS of New York: Committee on Coinage, Weights, and Measures. H.R. 9095. A bill to authorize the coinage of 50-cent pieces in commemoration of the two hundredth anniversary of the birth of Daniel Boone; without amendment (Rept. No. 1315). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLER: Committee on the Library. S. 3235. An act to amend an act entitled "An act providing for the participation of the United States in A Century of Progress (the Chicago World's Fair Centennial Celebration) to be held at Chicago, Ill., in 1933, authorizing an appropriation therefor, and for other purposes", approved February 8, 1932, to provide for participation in A Century of Progress in 1934, to authorize an appropriation therefor, and for other purposes; without amendment (Rept. No. 1318). Referred to the Committee of the Whole House on the state of the Union.

Mr. STUDLEY: Committee on the Post Office and Post Roads. H.R. 7317. A bill to provide for the final construction, on behalf of the United States, of postal treaties or conventions to which the United States is a party; with amendment (Rept. No. 1319). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of West Virginia: Committee on the Post Office and Post Roads. H.R. 3214. A bill to compensate the Post Office Department for the extra work caused by the payment of money orders at offices other than those on which the orders are drawn; with amendment (Rept. No. 1320). Referred to the Committee of the Whole House on the state of the Union.

Mr. GILLETTE: Committee on Foreign Affairs. House Joint Resolution 330. Joint resolution authorizing certain retired officers or employees of the United States to accept such decorations, orders, medals, or presents as have been tendered them by foreign Governments; without amendment (Rept. No. 1324). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLER: Committee on the Library. Senate Joint Resolution 93. Joint resolution authorizing the creation of a Federal Memorial Commission to consider and formulate plans for the construction, on the western bank of the Mississippi River, at or near the site of old St. Louis, Mo., of a permanent memorial to the men who made possible the territorial expansion of the United States, particularly President Thomas Jefferson and his aides, Livingston and Monroe, who negotiated the Louisiana Purchase, and to the great explorers, Lewis and Clark, and the hardy hunters, trappers, frontiersmen, and pioneers and others who contributed to the territorial expansion and development of the

United States of America; without amendment (Rept. No. 1326). Referred to the House Calendar.

Mr. KELLER: Committee on the Library. H.R. 1582. A bill authorizing an appropriation for the erection of a memorial to the officers and men of the United States Navy who lost their lives as the result of a boiler explosion that totally destroyed the U.S.S. *Tulip* near St. Inigoes Bay, Md., on November 11, 1864, and for other purposes; without amendment (Rept. No. 1327). Referred to the Committee of the Whole House on the state of the Union.

Mr. MOREHEAD: Committee on the Post Office and Post Roads. H.R. 7670. A bill relating to conveyance of letters by private hands without compensation, or by special messenger employed for the particular occasion only; without amendment (Rept. No. 1328). Referred to the Committee of the Whole House on the state of the Union.

Mr. MOREHEAD: Committee on the Post Office and Post Roads. H.R. 7348. A bill to amend section 3937 of the Revised Statutes; without amendment (Rept. No. 1329). Referred to the Committee on the Whole House on the state of the Union.

Mr. PEAVEY: Committee on Indian Affairs. H.R. 7759. A bill to amend the law relating to timber operations on the Menominee Indian Reservation in Wisconsin; with amendment (Rept. No. 1330). Referred to the Committee of the Whole House on the state of the Union.

Mr. BANKHEAD: Committee on Rules. House Resolution 355. Resolution authorizing the adoption of certain rules relative to H.R. 8919, a bill to adjust the salaries of rural letter carriers, and for other purposes; without amendment (Rept. No. 1331). Referred to the House Calendar.

Mr. WOLFENDEN: Committee on Interstate and Foreign Commerce. H.R. 8241. A bill to authorize the construction and operation of certain bridges across the Monongahela, Allegheny, and Youghiogheny Rivers in the county of Allegheny, Pa.; without amendment (Rept. No. 1332). Referred to the House Calendar.

Mr. PETTENGILL: Committee on Interstate and Foreign Commerce. H.R. 9064. A bill granting the consent of Congress to the State of Indiana to construct, maintain, and operate a free highway bridge across the Grand Calumet River at or near a point suitable to the interests of navigation east of Clark Street in Gary, Ind.; without amendment (Rept. No. 1333). Referred to the House Calendar.

Mr. HOLMES: Committee on Interstate and Foreign Commerce. H.R. 9065. A bill granting the consent of Congress to the Department of Public Works of the Commonwealth of Massachusetts to construct, maintain, and operate a free highway bridge across the Connecticut River at Turners Falls, Mass.; without amendment (Rept. No. 1334). Referred to the House Calendar.

Mr. WOLFENDEN: Committee on Interstate and Foreign Commerce. H.R. 9271. A bill granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a toll bridge across the Susquehanna River at or near Millersburg, Dauphin County, Pa.; without amendment (Rept. No. 1335). Referred to the House Calendar.

Mr. KELLER: Committee on the Library. House Joint Resolution 327. Joint resolution authorizing the appointment of a planning committee in connection with the United States Botanic Garden, and for other purposes; without amendment (Rept. No. 1336). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. CHRISTIANSON: Committee on Military Affairs. H.R. 4753. A bill for the relief of George W. Adams; without amendment (Rept. No. 1310). Referred to the Committee of the Whole House.

Mr. COFFIN: Committee on Military Affairs. H.R. 6280. A bill for the relief of Michael Ilitz; without amendment (Rept. No. 1311). Referred to the Committee of the Whole House.

Mr. THOMPSON of Illinois: Committee on Military Affairs. H.R. 8741. A bill authorizing the maintenance and use of a banking house upon the United States military reservation at Fort Lewis, Wash.; without amendment (Rept. No. 1312). Referred to the Committee of the Whole House.

Mr. COFFIN: Committee on Military Affairs. S. 421. An act for the relief of Joseph Gorman; without amendment (Rept. No. 1316). Referred to the Committee of the Whole House.

Mr. THOMPSON of Illinois: Committee on Military Affairs. H.R. 2684. A bill for the relief of Logan Mulvaney; with amendment (Rept. No. 1317). Referred to the Committee of the Whole House.

Mr. COFFIN: Committee on Military Affairs. S. 754. An act for the relief of Fred M. Munn; without amendment (Rept. No. 1321). Referred to the Committee of the Whole House.

Mr. COFFIN: Committee on Military Affairs. S. 841. An act for the relief of Charles C. Floyd; without amendment (Rept. No. 1322). Referred to the Committee of the Whole House.

Mr. CALDWELL: Committee on Foreign Affairs. H.R. 8674. A bill for the relief of certain officers and employees of the Foreign Service of the United States who, while in the course of their respective duties, suffered losses of personal property by reason of catastrophes of Nature and other causes; with amendment (Rept. No. 1323). Referred to the Committee of the Whole House.

Mr. KELLER: Committee on the Library. Senate Joint Resolution 94. Joint resolution to retire George W. Hess as director emeritus of the Botanic Garden; with an amendment (Rept. No. 1325). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COFFIN: A bill (H.R. 9319) authorizing certain changes in the contract for the payment of construction costs of the Minidoka irrigation project in Idaho; to the Committee on Irrigation and Reclamation.

By Mr. SINCLAIR: A bill (H.R. 9320) to further extend the times for commencement and completing the construction of a bridge across the Missouri River at or near Garrison, N.Dak.; to the Committee on Interstate and Foreign Commerce.

By Mr. BANKHEAD: A bill (H.R. 9321) to regulate the sale of seed inoculants, soil inoculants, inoculated fertilizers, and analagous biological products in the District of Columbia, to regulate interstate traffic in said articles, and for other purposes; to the Committee on Agriculture.

By Mr. CELLER: A bill (H.R. 9322) to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes; to the Committee on Ways and Means.

By Mr. RAYBURN: A bill (H.R. 9323) to provide for the regulation of securities exchanges and of over-the-counter markets operating in interstate and foreign commerce and through the mails, to prevent inequitable and unfair practices on such exchanges and markets, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GILLETTE: A bill (H.R. 9324) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

By Mr. WOOD of Missouri: A bill (H.R. 9325) to provide for the licensing of firemen operating steam boiler or boilers in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BANKHEAD: Resolution (H.Res. 355) authorizing the adoption of certain rules relative to H.R. 8919, a bill to adjust the salaries of rural letter carriers, and for other purposes; to the Committee on Rules.

By Mr. HAINES: A bill (H.R. 9326) granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a toll bridge across the Susquehanna River at or near York Furnace, York County, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. COCHRAN of Missouri: Resolution (H.Res. 356) for the consideration of Senate Joint Resolution 93; to the Committee on Rules.

By Mr. CALDWELL: Resolution (H.Res. 357) to provide for the appointment of a special committee to investigate the extent to which the United States is dependent upon foreign nations for its supply of tin, and for other purposes; to the Committee on Rules.

By Mr. KELLER: Resolution (H.Res. 360) for the consideration of Senate bill 3235; to the Committee on Rules.

By Mr. GREEN: Resolution (H.Res. 361) to close the House restaurant; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOEHNE: A bill (H.R. 9327) for the relief of John E. Sandage; to the Committee on Claims.

By Mr. COCHRAN of Missouri: A bill (H.R. 9328) granting a pension to Mary Grieser; to the Committee on Invalid Pensions.

By Mr. DOCKWEILER: A bill (H.R. 9329) granting a pension to Margaret F. Prather; to the Committee on Pensions.

By Mr. FOSS: A bill (H.R. 9330) for the relief of Henry Werre; to the Committee on Claims.

By Mr. JOHNSON of Texas: A bill (H.R. 9331) for the relief of Etta Pippin; to the Committee on Claims.

By Mr. KELLY of Illinois: A bill (H.R. 9332) for the relief of Gilbert James de Normandie; to the Committee on Naval Affairs.

By Mr. LEWIS of Colorado: A bill (H.R. 9333) for the relief of Mr. and Mrs. Chester A. Smith; to the Committee on Claims.

By Mr. LEE of Missouri: A bill (H.R. 9334) granting a pension to Catherine Orender; to the Committee on Invalid Pensions.

Also, a bill (H.R. 9335) granting an increase of pension to Missouri E. Griffith; to the Committee on Pensions.

Also, a bill (H.R. 9336) granting a pension to Sherman King; to the Committee on Invalid Pensions.

Also, a bill (H.R. 9337) granting a pension to Ruth Ann Breedlove; to the Committee on Invalid Pensions.

Also, a bill (H.R. 9338) granting a pension to Ella Woodward; to the Committee on Pensions.

Also, a bill (H.R. 9339) granting a pension to Angeline Hart; to the Committee on Invalid Pensions.

Also, a bill (H.R. 9340) granting a pension to Agnes P. Miller; to the Committee on Invalid Pensions.

Also, a bill (H.R. 9341) granting a pension to Flora M. Lawson; to the Committee on Invalid Pensions.

Also, a bill (H.R. 9342) granting a pension to Pearly Ann Howard; to the Committee on Invalid Pensions.

Also, a bill (H.R. 9343) granting a pension to Marietta Cannon; to the Committee on Invalid Pensions.

Also, a bill (H.R. 9344) granting an increase of pension to Annie L. Teague; to the Committee on Invalid Pensions.

Also, a bill (H.R. 9345) granting an increase of pension to Hannah H. Maddux; to the Committee on Invalid Pensions.

Also, a bill (H.R. 9346) granting an increase of pension to Addie Blunt; to the Committee on Invalid Pensions.

Also, a bill (H.R. 9347) granting an increase of pension to Elizabeth Dugan; to the Committee on Invalid Pensions.

Also, a bill (H.R. 9348) granting an increase of pension to Mary N. Stanley; to the Committee on Invalid Pensions.

By Mr. MITCHELL: A bill (H.R. 9349) for the relief of John R. Bullock; to the Committee on Claims.

By Mr. MERRITT: A bill (H.R. 9350) for the relief of the Consolidated Ashcroft Hancock Co., Inc., Bridgeport, Conn.; to the Committee on Claims.

By Mr. McMILLAN: A bill (H.R. 9351) to confer jurisdiction upon the United States District Court for the Eastern District of South Carolina to determine the claim of Lewis E. Magwood; to the Committee on Claims.

By Mr. SABATH: A bill (H.R. 9352) for the relief of Joseph Schoenbach; to the Committee on Claims.

By Mr. SHANNON: A bill (H.R. 9353) granting a pension to James Joseph Monahan; to the Committee on Pensions.

By Mr. TARVER: A bill (H.R. 9354) for the relief of James A. Henderson; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4207. By Mr. ANDREW of Massachusetts: Resolution adopted by the Business and Professional Women's Republican Club of Massachusetts, urging a thorough investigation of the charges of Dr. Wirt, and the whole Communist movement in the United States; to the Committee on the Judiciary.

4208. By Mr. BOYLAN: Letter from the Shoe Manufacturers' Board of Trade, Brooklyn, N.Y., opposing the passage of Senate bill 2926, known as the "Labor Disputes Act"; to the Committee on Labor.

4209. Also, letter from the High School Teachers' Association of New York City, favoring the bill before the Committee on Education appropriating $75,000,000 to keep the public schools of the United States open; to the Committee on Education.

4210. Also, letter from the Whitestone Association, Local No. 1, New York City, unanimously favoring the passage of the Wagner-Connery Disputes Act; to the Committee on Labor.

4211. Also, resolution adopted by the Motion Picture Theater Owners of America, a national association of motion-picture exhibitors, in the convention assembled in Los Angeles, Calif., April 10 to 15, petitioning the Senate and the Committee on Foreign Relations of that body to withhold approval of Senate bill 1928, or any substitute or modification thereof, which in effect would allow the entrance of the United States into the International Copyright Union without the protection to the American theaters and to the motion-picture industry as hereinbefore set forth, and this body does go on record as registering its protest against the enactment of the aforesaid legislation and the approval of the treaty for the reasons hereinbefore set forth; to the Committee on Foreign Affairs.

4212. Also, petition signed by citizens, of Brooklyn and New York City, urging the adoption of the amendment to section 301 of Senate bill 2910 and House bill 8977; to the Committee on Merchant Marine, Radio, and Fisheries.

4213. By Mr. BRUNNER: Petition of Manor Council, No. 112, Sons and Daughters of Liberty, Howard Beach, Long Island, N.Y., urging Congress to defeat the efforts made by political leaders and exploiters of labor to defeat the spirit of restricted immigration; to the Committee on Immigration and Naturalization.

4214. By Mr. GAVAGAN: Petition of Pro Patria Council, No. 751, Knights of Columbus, in reference to Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4215. By Mr. GOODWIN: Petition of the Woman's Christian Temperance Union, Kingston, Ulster County, N.Y., respectfully petitioning Congress for favorable action on the Patman motion picture bill (H.R. 6097), providing higher moral standards for films entering interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

4216. By Mr. KRAMER: Resolution adopted by the Motion Picture Theater Owners of America on April 10–15, 1934, at Los Angeles, Calif.; to the Committee on Foreign Affairs.

4217. By Mr. LINDSAY: Letter from E. Whitmore, Brooklyn, N.Y., opposing the Johnson bill (S. 752) and the Couzens tax bill; to the Committee on Ways and Means.

4218. Also, telegram from the Lamson & Hubbard Corporation, Boston and New York, urging complete elimination of excise tax on furs; to the Committee on Ways and Means.

4219. Also, telegram from Kruskal & Kruskal, Inc., New York City, objecting to the exemption of excise tax on furs costing $75 or less as contained in House bill 7835; to the Committee on Ways and Means.

4220. Also, telegram from Mrs. Leo Kopowski, Brooklyn, N.Y., urging the passage of House bill 4492; to the Committee on Civil Service.

4221. Also, telegram from the Balch Price & Co., New York and Brooklyn, urging complete removal of excise tax on manufactured furs; to the Committee on Ways and Means.

4222. Also, telegram from the Wells Treister Co., Inc., New York City, urging complete removal of excise tax on furs; to the Committee on Ways and Means.

4223. Also, telegram from the Fur Wholesalers' Association of America, Inc., New York City, urging removal of excise tax on manufactured furs; to the Committee on Ways and Means.

4224. Also, petition of the High School Teachers' Association of New York City, Inc., Dr. Frederick Houk Law, president, urging support of the bill to appropriate $75,000,000 for education; to the Committee on Education.

4225. Also, petition of the Whitestone Association, Local No. 1, New York City, favoring the Wagner-Lewis bill and the Wagner-Connery bill; to the Committee on Labor.

4226. Also, petition of the Superheater Co., New York City, F. A. Schaff, president, opposing House bill 8720, the stock exchange bill, in its present form; to the Committee on Interstate and Foreign Commerce.

4227. Also, telegram from the Armstrong Cork Co., Lancaster, Pa., opposing certain sections of House bill 8720; to the Committee on Interstate and Foreign Commerce.

4228. Also, petition of Milton Dammann, president American Safety Razor Corporation, Brooklyn, N.Y., opposing certain features of the stock exchange bill; to the Committee on Interstate and Foreign Commerce.

4229. Also, petition of Motion Picture Theater Owners of America, New York City, concerning the copyright bill (S. 1928) and protesting its passage; to the Committee on Interstate and Foreign Commerce.

4230. Also, petition of the Writers' League Against Lynching, New York City, favoring the passage of the Costigan-Wagner antilynching bill; to the Committee on the Judiciary.

4231. By Mr. McFARLANE: Petition of the board of directors of the North Texas Oil & Gas Association, requesting Committee on Mines and Mining to strike out from Senate bill 1665 the words "oil, gas, and the hydrocarbons", in line 9 of said bill, or that said act be amended so as to provide that the experimental station at Bartlesville, Okla., be continued upon the same basis as same is now operated; to the Committee on Mines and Mining.

4232. By Mr. MULDOWNEY: Petition of 3,350 postal employees, protesting against the policy of the Post Office Department in curtailing service at the expense of increased unemployment; to the Committee on the Post Office and Post Roads.

4233. By Mr. RUDD: Petition of the Whitestone Association, Local No. 1, Long Island, N.Y., favoring the passage of the Wagner-Lewis bill and the Wagner-Connery bill; to the Committee on Labor.

4234. Also, petition of the American Safety Razor Corporation, Brooklyn, N.Y., opposing corporate activities contained in the stock exchange bill; to the Committee on Interstate and Foreign Commerce.

4235. Also, petition of the Chamber of Commerce of the Borough of Queens, city of New York, with reference to the Revenue Act of 1934 now in conference; to the Committee on Ways and Means.

4236. Also, petition of the High School Teachers' Association of New York City, Inc., favoring the educational bill authorizing an appropriation of $75,000,000 to keep schools open in the coming year; to the Committee on Education.

4237. Also, petition of the Writers' League Against Lynching, New York City, favoring the Costigan-Wagner antilynching bill and the Ford bill; to the Committee on the Judiciary.

4238. By Mr. SEGER: Petition of 101 citizens of Passaic, Paterson, Clifton, N.J., and vicinity, for passage of the 30-hour week bill; to the Committee on Labor.

4239. By Mr. SMITH of West Virginia: Resolution of the West Side Business Men's Association, of Charleston, W.Va., urging the Federal Government to renew operations at the naval ordnance plant at South Charleston, W.Va.; to the Committee on Naval Affairs.

4240. By Mr. STRONG of Pennsylvania: Petition of the board of consulters of the SS. Cosmas and Damian Roman Catholic Parish, of Punxsutawney, Pa., in favor of having adequate time for radio broadcasting allotted to stations owned or controlled by educational, religious, agricultural, labor, cooperative, and similar non-profit-making associations; to the Committee on Interstate and Foreign Commerce.

4241. Also, petition of the Punxsutawney Council, No. 452, Knights of Columbus, in favor of having adequate time for radio broadcasting allotted to stations owned or controlled by educational, religious, agricultural, labor, cooperative, and similar non-profit-making associations; to the Committee on Interstate and Foreign Commerce.

4242. Also, petition of the St. Vincent de Paul Society, of Punxsutawney, Pa., in favor of having adequate time for radio broadcasting allotted to stations owned or controlled by educational, religious, agricultural, labor, cooperative, and similar non-profit-making associations; to the Committee on Interstate and Foreign Commerce.

4243. By Mr. WIGGLESWORTH: Petition of the Business and Professional Women's Republican Club of Massachusetts, urging a thorough investigation of the charges of Dr. Wirt and the whole Communist movement in the United States; to the Committee on the Judiciary.

4244. By the SPEAKER: Petition of Dr. Eng. L. K. Post, regarding the naturalization of immigrants; to the Committee on Immigration and Naturalization.

4245. Also, petition of the depositors of the closed Richmond Bank, of Richmond Hill, N.Y., urging passage of the McLeod bank bill; to the Committee on Banking and Currency.

4246. Also, petition of the Hawaii Labor Federation, urging that the Philippine Islands accept their independence without reservation; to the Committee on Insular Affairs.

4247. Also, petition of the Woman's Club, of Florence, Ariz., urging additional appropriations for highway construction; to the Committee on Roads.

4248. Also, petition of the Latin American Club, of Arizona, urging additional appropriations for highway construction; to the Committee on Roads.

4249. Also, petition of the city of Cambridge, Mass., urging passage of the Costigan-Wagner bill, the so-called "antilynch bill"; to the Committee on the Judiciary.

4250. Also, petition of the city of Royal Oak, Mich., regarding payment of bank deposits in closed banks; to the Committee on Banking and Currency.

4251. Also, petition of the Arizona Booster Association, urging additional appropriations for road construction; to the Committee on Roads.

4252. Also, petition of the Florence Rotary Club, of Salt Lake City, Utah, urging additional appropriations for road construction; to the Committee on Roads.

4253. Also, petition of Court Fidelis, No. 91, Catholic Daughters of America, urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4254. Also, petition of the Ave Maria Mission Club, of Brooklyn, N.Y., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4255. Also, petition of St. Mary's Parish, of Riverside, Ill., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4256. Also, petition of the Catholic Daughters of America, St. Victor's Parish, Monroe, Wis., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4257. Also, petition of the Church of the Assumption Parish, of Tomales, Calif., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4258. Also, petition of the St. Theresa's Parish, Cresskill, N.J., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4259. Also, petition of St. Nicholas Parish, of Garrison, N.Dak., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4260. Also, petition of St. Anthony's Parish, of Van Hook, N.Dak., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4261. Also, petition of the Holy Name Society of the Church of the Sacred Heart, Elizabeth, N.J., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4262. Also, petition of St. Matthew's Parent-Teacher Association, of Milwaukee, Wis., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4263. Also, petition of Holy Name Church, of Sheridan, Wyo., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4264. Also, petition of Diocesan Union of the Holy Name Society, of Denver, Colo., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4265. Also, petition of St. Anthony's Parish, of Loyal State, Wis., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4266. Also, petition of Catholic Students' Mission Crusade Society, of San Antonio, Tex., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4267. Also, petition of St. Bernard's Branch of the Holy Name Society, of the city of New York, urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4268. Also, petition of St. John's Parish, of Wilton, Wis., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4269. Also, petition of Study Club Group of Y.L.S. of M.A.C.C.W., of Milwaukee, Wis., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4270. Also, petition of St. Rita's Parish, city of New York, urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4271. Also, petition of St. Joseph's Parish, of Ronkonkoma, N.Y., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4272. Also, petition of St. Joseph's Cathedral Parish, of Sioux Falls, S.Dak., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4273. Also, petition of the Holy Name Society, of Richardson, N.Dak., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4274. Also, petition of Good Shepard Parish, of Winchester, Tenn., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4275. Also, petition of the Sodality of the Blessed Virgin Mary, of Richardson, N.Dak., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4276. Also, petition of a parish of the city of South Pittsburg, Tenn., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4277. Also, petition of the Detroit Council of Catholic Organizations, urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4278. Also, petition of St. Peter's Parish, of Utica, N.Y., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4279. Also, petition of St. Michael's Parish, of Livermore, Calif., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4280. Also, petition of Rev. Pierre-Louis de La Ney et al., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

SENATE

THURSDAY, APRIL 26, 1934

The Senate met at 11 o'clock a.m.

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

Almighty God, our Heavenly Father, whose blessed Son came not to be ministered unto but to minister: We humbly beseech Thee to bless all who have dedicated themselves to the service of their fellow men, that, being inspired by Thy love and following in the steps of the blessed Christ, each in his separate vocation may worthily minister to the weary and heavy-laden, to the friendless, sick, needy, and to those who are oppressed with wrong.

So shall Thy suffering children everywhere rise up to call Thy servants blessed; for the glory of the Lord shall be revealed, and all flesh shall see it together. Prosper Thou the work of our hands this day, and grant that we may ever worship Thee in the beauty of holiness. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On motion of Mr. ROBINSON of Arkansas, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, April 25, was dispensed with, and the Journal was approved.

HOARDERS OF SILVER—TRANSMITTAL OF INFORMATION

Mr. ROBINSON of Arkansas. Mr. President, on yesterday a communication addressed to the Secretary of the Senate by the Secretary of the Treasury, Mr. Morgenthau, indicated a purpose on the part of the Secretary of the Treasury hereafter in transmitting responses to the resolution of the Senate, no. 211, adopted March 20, 1934, relating to hoarders of silver, to transmit future communications to the Chairman of the Committee on Banking and Currency.

It is suggested for the advice of the Secretary that, under the precedents and proper custom, the information should be transmitted direct to the Senate in response to the Senate's resolution and the Senate will take action in referring the same to the Committee on Banking and Currency.

The VICE PRESIDENT. The Chair assumes the Secretary of the Treasury will take note of the Senator's remarks.

Mr. ROBINSON of Arkansas. It is so assumed.