

Charles Frederic Humphrey, Jr., to be brigadier general.
 Frank Wheaton Rowell to be brigadier general.
 Clement Augustus Trott to be brigadier general.

APPOINTMENTS BY TRANSFER IN THE REGULAR ARMY

Capt. Clarence Eugene Brand to Judge Advocate General's Department.

First Lt. Harold Mills Manderbach to Quartermaster Corps.
 Second Lt. William John Ledward to Coast Artillery Corps.

PROMOTIONS IN THE REGULAR ARMY

Joseph Magoffin Glasgow to be captain, Cavalry.
 James Lawrence Keasler to be captain, Infantry.
 Robert Bruce Davenport to be first lieutenant, Air Corps.
 Donald Leander Putt to be first lieutenant, Air Corps.

MEDICAL ADMINISTRATIVE CORPS

Seth Overbaugh Craft to be captain.
 Leonard George Tate Perkins to be first lieutenant.
 Harold Lincoln Gard to be first lieutenant.
 Joe Edward McKnight to be first lieutenant.

POSTMASTERS

ARIZONA

Martha L. Davey, Clarkdale.

ARKANSAS

Roy R. Golden, Arkadelphia.
 Robert W. Moore, Black Rock.
 George A. Lamb, Bono.
 Johnson M. Lide, Camden.
 Grover L. Webb, Delight.
 Robert M. Wilson, Hope.
 Bunyan Gilbert, McRae.
 Eva C. Teague, Manila.
 R. Owen Tomlinson, Melbourne.

KENTUCKY

Gena F. Hilliard, Clinton.
 Lula M. Stuart, Glendale.
 John M. Farra, Lancaster.
 Robert W. Vinson, Louisa.
 Mattie Pridemore, Pippapass.
 Murray Swindler, Valley Station.
 Benjamin F. Beall, Warsaw.
 Kathryn E. Stewart, West Paducah.
 Thomas J. Stevenson, Winchester.
 Oliver Boone Majors, Wingo.

TENNESSEE

Harney Thurman Whitson, Cookeville.
 Lindsay N. Smith, Culleoka.
 Samuel C. Jones, Lexington.
 Maurice Wilson, Middleton.
 Edwin L. Goddard, Saulsberry.

WEST VIRGINIA

Duncan M. Johnston, Alderson.
 Rufus L. Keel, Coalwood.

HOUSE OF REPRESENTATIVES

TUESDAY, MAY 7, 1935

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Strong Son of God, immortal love, we bow our heads and lift our prayer to Thee. Thou art the joy of loving hearts, the font of life, and the light of men. We ask Thee to establish an open way for us in the light of Thy countenance. We pray that our lives may spread and branch more and more, reaching a height of sympathy, tenderness, and helpfulness to which they never rose before. As we are debtors to the unnamed and unknown masses, may we ever hold them in sincerest consideration. Blessed Lord, toward all, give us a sense of honor, of softening manners and refinement of taste. Father in Heaven, be near us when the light burns low, when the heart is faint, and when our faith runs thin. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 272. Joint resolution to enable the Commissioners of the District of Columbia to defray certain expenses incident to the Convention of the Imperial Council of the Mystic Shrine, June 8 to June 17, 1935, both inclusive.

The message also 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. 4442) entitled "An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1936, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate to the foregoing bill numbered 3, 4, 33, and 34, and recedes from its amendments to said bill numbered 23, 24, and 25.

B'NAI B'RITH

Mr. KOPPLEMANN. Mr. Speaker, last evening in the city of Washington, at the Willard Hotel, the Speaker of this House did honor to himself and reflected great credit on this House of Representatives in an able address which he delivered before a large body of men and women gathered here from all sections of the United States and from foreign countries. His address is worthy of the high office which he holds. It should be read by every Member of this House and by the people of the country generally. I therefore ask unanimous consent that the address may be printed in the RECORD at this point. [Applause.]

The SPEAKER. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

REMARKS BY THE HONORABLE ALFRED M. COHEN, PRESIDENT B'NAI B'RITH, INTRODUCING THE HONORABLE JOSEPH W. BYRNS, SPEAKER OF THE HOUSE OF REPRESENTATIVES

Every B'nai B'rith convention may be regarded as a reconsecration of its members to the tasks which B'nai B'rith assumes. No selfish purpose has a place in our deliberations.

In the sublimest way, B'nai B'rith is a religious body. Maimonides, the great Jewish philosopher and teacher, said: "That to be in the purest sense religious, a man must serve his God by serving his fellow men."

B'nai B'rith inculcates reverence for God and the duty of serving His creatures.

Our organization is the oldest of all Jewish bodies in this country except a few synagogues. Its original purposes were to promote the cultural growth of the members; to aid them when in need; and above all, to make them realize that accident of birth in nowise affects the worthiness of a man. From the beginning it was planned to establish branches in various places in this country, but I am confident that the thought never entered the mind of any of the founders, that B'nai B'rith—Sons of the Covenant—would spread until it covered, as it now does, nearly every country in the world in which Jews live in considerable numbers.

Yes, B'nai B'rith is an international Jewish body. It is the only international organization of Jews in existence. It is international just like love, art, music, and all supremely high impulses, are universal.

What the human family needs is more such internationalism.

Since that fateful day in March 1933, on which Germany ceased to be a self-governed people, there never has been an assemblage of Jews anywhere, in which tears have not been shed for their brothers and sisters in faith, who in that land are drinking from a brimming cup of sorrow. We are no exceptions, nor can we fail to contrast their condition with our own in our beloved America.

No merit of ours, and no demerit of theirs, is responsible for our good fortune or their sad discomfort. In this hour of joy, which would be unalloyed but for our anxiety because of their anguish, we want, once again, to assure our German brothers and sisters that our hearts are with them.

And the contrast of our condition with theirs becomes more striking as I now look at the gentleman who sits at my side, the guest of honor in this brilliant feast, the distinguished Speaker of the House of Representatives of the Congress of the United States, who, in a few minutes, will favor us with an address. Imagine one occupying a relative position in the present German Government, seated among Jews, as their guest and chosen speaker.

It was not always so in Germany, and God's justice and mercy will not permit a continuance of present conditions indefinitely. Less than 8 years ago I, as president of B'nai B'rith, was the guest of the then Chancellor of Germany in his home in Berlin. The Chancellor entrusted me with a message to the Jewish people in

the United States, expressing his and Germany's gratitude for what they had done for German children orphaned by the war. Hitler has made outcasts of tens of thousands of German children, whose parents, though living, are victims of ostracism, in a country to which, in countless generations, they had contributed their lives, their loyalty, and their best talents.

We Jews are eternal optimists. Our many bitter experiences have made us feel that right will ultimately triumph over might. Vivid is our recollection of the words of the Passover service, "Not one only hath risen up against us, but in every generation there are some who rise up against us, to annihilate us; but the most Holy, blessed be He, hath delivered us out of their hands." That has been our comfort and our consolation down the ages.

Ladies and gentlemen, I have the high honor and great privilege of presenting to you the Honorable JOSEPH W. BYRNS, Speaker of the House of Representatives of the Congress of the United States.

ADDRESS OF THE HONORABLE JOSEPH W. BYRNS

Mr. President, members of the Independent Order of B'nai B'rith, and guests, I consider it a very great privilege and honor to be your guest this evening. I am mindful that higher officials of the United States than a Speaker of the House of Representatives have sent you messages and been pleased and happy to do so. Seven Presidents of the United States have sent you messages of approval and encouragement, and that in itself is a deserved recognition of which few organizations can boast. Theodore Roosevelt, William Howard Taft, Woodrow Wilson, Warren G. Harding, Calvin Coolidge, Herbert Hoover, and our present great President, Franklin D. Roosevelt, are all on record as recognizing the value of the work of B'nai B'rith in building up good citizenship. President Theodore Roosevelt urged its members "to continue your work in strengthening the tie between man and man and endeavoring to contribute to the uplift and betterment of humanity", and declared that "it has been a great educational and enlightening factor in our American life."

Woodrow Wilson said in part, "I follow from time to time with the greatest interest the fine work of the order—work which undoubtedly contributes to the uplift and betterment of the Nation. And I have been particularly interested in the work of education and philanthropy and the effort to destroy the provincialism of prejudice as between races."

I have been for a long time familiar with the work and purposes of your great order, and I hope that the people not only of America but of the entire world will come to respect you for the great work which you are doing and which deserves the fullest approval and endorsement of all our people.

As present Speaker of the House of Representatives I join in these sentiments sincerely and truly, for I am well aware that the provincialism of prejudice between races is a stumbling block in the path of civilization, as prejudice of any kind is a heavy handicap to democracy.

Nearly 100 years ago B'nai B'rith was founded, and the accomplishments of the order have been such as to well justify pride in your work.

The preamble of your constitution states that the purposes of your organization, among other things, are to unite Israelites in the work of promoting the highest interests and those of all humanity; to developing and elevating the mental and moral character of the people, and of supporting science and art. There is everything here that the Nation hopes for from its citizens, and such aims and purposes well fulfilled have a profound influence in strengthening the Nation. How well the Jews have contributed to that influence a little reflection and remembrance will show.

The solicitude of the Jewish people in caring for their aged, the sick, and the orphan is traditional. This solicitude has called into being institutions in every part of the world which provide against the infirmities to which mankind is heir, ranging from homes for children too young to have known the warmth of mother love to old people bereft of kin to care for them in their declining years. I have in mind many hospitals of this great order in various parts of our country which are devoted to taking care of people old and young without regard to race or religion. It is no wonder that this great order, founded as it was 92 years ago, when the Jewish population in the United States did not exceed 20,000, has grown in strength, influence, and power for good during all the years of its existence.

Of course I am aware that the masses of the Jewish people now living in the great centers of our country are descendants of those who came to our shores a number of decades ago as exiles from Eastern Europe, the victims of pogroms and persecutions which shocked the conscience of the entire civilized world. But I did not know that so short a time prior thereto their number in our country was so inconsiderable in view of the active part the Jew had taken in the New World, dating back to its very discovery. It is interesting to know that in the first voyage of Columbus, which resulted in the discovery of America, several of his hundred fellow voyagers were members of the Jewish faith, and that on the day previous to his sailing Jews were ordered expelled from Spain. And I can fancy the ships, one carrying the crew of Columbus, and which was sailing over uncharted seas leading to a new land, destined to be a harbinger of hope to all the heavy laden of mankind, passing the other ship containing those who had been thrust out of Spain, borne down to the water's edge by sad-eyed and heavy-hearted men, women, and children, cast out of the land of their birth to find shelter they knew not where. I am sure the civilized world is happy over the fact that today, 4½ centuries later, Spain is welcoming back the Jew and inviting him to become a part of its loyal citizenship.

The first Jews came to America from Brazil in 1654 and they came as many of the early settler groups did, to escape religious persecution. They were inhospitably received by Peter Stuyvesant, who was then Governor of the New Netherlands, but his opposition was overcome through the influence of the Dutch West India Co., many of whose stockholders were Jews, and they were permitted to remain in New Amsterdam on condition that the poor amongst them should not become a burden to the community, but be supported by their own nation. And although B'nai B'rith was not then in existence, its spirit must have been present, for there is no record that the poor of these Brazilian refugees ever became a burden on either the Dutch West India Co. or the New Amsterdam community. Indeed, the manner in which the Jew has taken care of his unfortunate brother stands out as one of his noblest achievements, and the broad philanthropy of the American Jew is recognized the world over.

The small group which settled on Manhattan Island almost 300 years ago has kept pace with the country's growth but hardly more than that for the Jews in America today do not form 5 percent of the total population. That does not seem much of a growth in numbers, but what you have accomplished is much more important. Centuries of persecution and hardship in Europe did not succeed in crushing either the Jewish spirit or Jewish idealism, and in these respects the Jewish people present a most remarkable racial survival and America has profited by it. In all the activities of commercial life, of banking, trade, and transportation of our Nation, the Jew has played and still plays an important part. In science, medicine, economics; in literature, painting, music, sculpture, your best men have been up at the top, among the best that the country has produced. Indeed it may be said that the cultural wealth of America would be much the poorer should the Jewish contributions have been denied it.

You should be proud of the fact that this great organization has had and will continue to have an important part in the development of our country through its good influences toward shaping the lives and character of our people, and attaining the ideals for which America stands.

America furnished to the Jews what it furnished to all people, a land as Washington described it, "of sanctuary", which became also a land of equal opportunity, liberality, and toleration. And 135 years later, at the end of the Revolutionary War, when the Constitution of the United States was drawn up in 1787, liberty of conscience was made the foundation stone of American democracy and the Jews for the first time in the world enjoyed religious freedom and political equality.

They have contributed their share in all the wars in which America has been engaged. But their contributions to the civil life of our Nation have been more conspicuous than their military service, for the Jew is peace-minded, faithful to the admonition of his prophets to love peace and pursue it. Many of them have held high public office and made fine records as members of the United States Supreme Court and of presidential cabinets; Governors of various States and other positions of high honor and responsibility. It is impossible to refer to all of these by name, but I cannot refrain from referring to some of those with whom I have served since I have been a Member of Congress and some of whom I see before me. I recall Hon. Julius Kahn, of San Francisco, who rendered high service in the House during the World War. His capable and estimable widow, Mrs. FLORENCE KAHN, is now filling his place in the House with equal distinction and ability. Sitting here at the table is my good friend Hon. A. J. SABATH, the beloved dean of the House, who has for so many years served his district in Chicago, and the Nation, with particular distinction and conspicuous ability.

And also my friend, Hon. SOL BLOOM, of New York, who has rendered splendid service, the most notable of which was that in connection with the celebration of the two hundredth anniversary of the birth of George Washington, the Father of our Country, and who I think it is only fair to say has done more than anyone of his generation to revive and restore the memory of Washington and his high ideals in the minds and hearts of the present generation. And another good friend is the Honorable HERMAN KOPPELMANN, of the State of Connecticut, who enjoys the confidence and esteem of all of his colleagues because of his faithful and able service. Then there is the learned and eloquent Dr. SIROVICH, of New York, and Honorables EMANUEL CELLER, SAMUEL DICKSTEIN, and THEODORE PEYSER, also of the State of New York; and Hon. ISAAC BACHARACH, of the State of New Jersey; Hon. HENRY ELLENBOGEN, of the State of Pennsylvania; and Hon. WILLIAM CITRON, of the State of Connecticut, all of whom enjoy the esteem and friendship of their colleagues and are serving with distinction. I am glad of this opportunity to pay brief tribute to the service of all these distinguished Representatives.

One who serves in public office today must be judged not so much by his ability but by his devotion and adherence to American principles and ideals and the Government which he serves. Grover Cleveland said that "public office is a public trust", and we all agree that the man who holds the office should honor it to the best of his ability. If he does so, he is fit to hold it. And no man, be he Jew or Christian, who is unfit should be allowed to hold public office.

America expects every stranger coming to our shores to pledge himself that, given opportunity of establishing a permanent home here, free of religious persecution, free of political, commercial, or cultural inequality, he will do everything in his power to carry on the glorious traditions of his new country, to give his best, so that America will profit by his coming. This Nation is a free, demo-

cratic Nation, and nothing proves that better than that in this country religion and race are not barriers to a man's success. Religious prejudice is the worst enemy of democracy because it is always founded on ignorance, which begets suspicion.

We are rapidly recovering from the depression, which in recent years almost overwhelmed us. For the past 2 years our Government has been bending its energies to restore prosperity to the country. There have been some who have criticized its policies, but not one of them has offered any plan of his own to take the place of those which he criticizes. Large sums of money have been appropriated and are being expended to take care of the unemployed and feed the hungry and starving, which is the duty of every civilized nation. Congress has passed the works-relief bill to provide jobs for the unemployed and take them off the relief rolls, with the expectation that they will be finally absorbed by private industry through increased industrial activity. The House has passed the social-security bill to pay pensions to the aged and insurance to the jobless, which will at least to some extent take care of unemployment in the future, which in the very nature of things will always be with us to a greater or less extent. It is succeeding in its efforts to return prosperity, as is clearly shown by increased income-tax collections when compared with previous years, gratifying reports of increased industrial activity, and the renewal of confidence of the people who a short while ago were depressed and dejected and almost hopeless.

It is true that there is some mental unrest at the present time but in my judgment we have already recovered and the unrest is largely a state of mind. We can correct this by cooperation; by remembering that before we are Jews and Christians we are Americans and that American democracy is and must be a success. There are perhaps some who are not cooperating but it can be truly said that there can be no true American who will not now give his full and hearty cooperation to the government of his country. Too many people look upon the Government as something separate and distinct from themselves. Nothing is further from the truth, for the Government is the people. It is you, me, and every one of us, and the more you keep this in mind the easier it will be to give the cooperation which is needed now. Principles of B'nai B'rith demand this of you. The Jew has not failed in the past and I am sure he will not fail in this crisis. He perhaps, best of all, because of the persecution he has suffered for centuries in other countries, can more fully appreciate liberty and freedom in America which recognizes all men as equal and does not permit the persecution of anyone. Of all citizens of America he should be most alive to the value of the Constitution and the flag of the United States and should feel more keenly that those who strike at America strike at the freedom of all Jewish citizens.

What I am trying to say is that what we most need today is understanding—a freedom from prejudice, and we need good will and charity—that in honestly fulfilling the ideals of B'nai B'rith you will be making yourself and others good American citizens. In replying to a eulogistic address from the Hebrew congregation from Newport, R. I., second oldest Jewish congregation in America, Washington said, "The citizens of the United States and America have a right to applaud themselves for having given to mankind examples of an enlarged and liberal policy—a policy worthy of imitation. . . . May the children of the stock of Abraham who dwell in this land continue to merit the enlarged good will of the other inhabitants, while everyone shall sit in safety under his own vine and fig tree and there shall be none to make him afraid." Washington understood better than anyone the difficulties and dangers which come from ignorance and prejudice. They have no place in a democracy where national peace and tranquility depend upon the patriotic cooperation of every citizen, regardless of race and religion. In fact, a religion that does not make a better citizen of a man is not worthy to be called a religion.

We have been living in troublous times during the last few years and it has been difficult for most people to think straight. Indeed, the peoples of all countries have been badly beset. Following an orgy of extravagance there came a world-wide upheaval which continued so long that it reduced large sections of the population of our country to a condition bordering on want of the necessities of life. It would be strange indeed if in these circumstances false messiahs did not find followers. Hungry men, women, and children furnish a fertile field for the planting of noxious weeds in the form of honeyed words. Our country has been the freest of all lands from these baneful influences, but even we in the United States have not been saved altogether from the inoculation of this virus from abroad, and I regret to say to an extent from within. There have come to us propagandist and propaganda subversive of the high ideals for which our forefathers paid the price, whatever the sacrifice involved. In those days when they cast off shackles which oppressed them they declared that "eternal vigilance is the price of liberty", and we can properly paraphrase that statement today by saying that "eternal vigilance is the price of safety."

It, therefore, behooves all who would perpetuate our wonderful heritage to prevent the introduction of any doctrine, however alluring it may seem to be, that will lead our people away from the landmark established by the framers of the Declaration of Independence and the Constitution of the United States. They have been our bulwark and fortress in times of peril in the past and they will be our tower of strength in all times to come if only we remain steadfast in our devotion to them.

PREFERMENT OF CHARGES OF IMPEACHMENT

Mr. DIRKSEN. Mr. Speaker, I rise to a question of privilege for the purpose of preferring charges of impeachment against the judge of the United States Circuit Court for the Seventh Circuit.

Mr. ARENDS. Mr. Speaker, I make the point of order there is not a quorum present.

Mr. CANNON of Missouri. Mr. Speaker, will the gentleman withhold that to permit me to submit a conference report?

Mr. ARENDS. I withhold it.

AGRICULTURAL APPROPRIATION BILL, 1936

Mr. CANNON of Missouri submitted a conference report and statement on the bill (H. R. 6718) making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1936, and for other purposes.

ADMIRAL RICHARD E. BYRD

Mr. ROBERTSON. Mr. Speaker, if the gentleman will withhold a moment, I send to the Clerk's desk two joint resolutions and ask unanimous consent for their immediate consideration.

One resolution provides for an expression of appreciation to Admiral Byrd and the brave men of his exploration party, and the other provides for a joint committee of the Senate and House to join with the President in welcoming Admiral Byrd and his associates when they arrive in Washington on Friday next.

The SPEAKER. The gentleman from Virginia asks unanimous consent for the present consideration of two resolutions. The Clerk will report the first resolution.

The Clerk read as follows:

House Joint Resolution 273

Joint resolution extending the gratitude of the Nation to Admiral Byrd and to the members of his expedition

Whereas Rear Admiral Richard E. Byrd and the members of the second Byrd Antarctic expedition are returning home from a successful and heroic exploration of Antarctic lands, wherein they have extended our knowledge of this vast area by airplane flights, tractor, and dog-sled trips, making extended and valuable scientific observations; and

Whereas the members of the expedition have displayed a courage and devotion worthy of the highest traditions of American exploration, and an unswerving loyalty to the superb leadership of their commander; and

Whereas Rear Admiral Byrd has added another notable chapter to the annals of American expeditions by his genius in organizing, transporting, and providing for the subsistence of his men while they carried on a program of research in 22 branches of science under the most adverse conditions, and he personally displayed exceptional gallantry in his lone vigil away from the Little America base in order to make important meteorological observations: Therefore be it

Resolved, *etc.*, That the gratitude of the Nation be extended to Admiral Byrd and to the members of his expedition, and that a copy of this resolution be appropriately inscribed and presented to him and to each member of the second Byrd Antarctic expedition.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

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

The SPEAKER. The Clerk will report the further resolution offered by the gentleman from Virginia.

The Clerk read as follows:

House Joint Resolution 274

Joint resolution authorizing the appointment of a special joint committee to meet with other representatives of the Government in greeting Rear Admiral Richard E. Byrd upon his return from his second Antarctic expedition

Resolved, *etc.*, That a joint committee of Congress to be composed of 5 Members of the Senate, to be appointed by the President of the Senate, and 5 Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, accompanied by the Secretary of the Senate, the Clerk of the House of Representatives, the Sergeant at Arms of the Senate, and the Sergeant at Arms of the House of Representatives, is authorized to join with other officials and representatives of the Government in greeting Rear Admiral Richard E. Byrd upon his arrival at the navy yard on May 10, 1935.

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

There was no objection.

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

SILVER

Mr. WHITE. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes, and will ask the gentleman from Illinois to defer his statement for that time.

Mr. DIRKSEN. On condition, of course, it is not taken out of my time.

The SPEAKER. This time is not taken from the gentleman from Illinois.

Mr. DIRKSEN. Then I will defer to the gentleman for 3 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Idaho to address the House for 3 minutes?

There was no objection.

Mr. WHITE. Mr. Speaker, there has been placed on the Speaker's table a petition to take from the Committee on Coinage, Weights, and Measures the bill (H. R. 4357) to establish a bimetallic system of currency, employing both gold and silver, and to provide for the use of silver as well as gold in the national monetary reserve, for the purpose of securing a sound controlled increase of the monetary units in circulation through the unlimited use of silver as money and as the base for the issuance of money.

I wish to call the attention of the Members of the House to the fact that under the banking bill we are now considering, all things we call money issued in circulation must be lent into circulation rather than issued into circulation, and somebody must pay interest on that money which increases the interest load on business.

Business recovery must be speeded by the creation and issuance of an adequate supply of interest-free money. Since gold and gold certificates have been withdrawn from circulation as money and now only function as currency through an indirect banking plan as coverage for Federal Reserve notes, thereby imposing an increased and constant interest load on business, it is apparent that the Government must replace this money which has been withdrawn from normal trade channels by increasing the use of silver through purchases of silver with silver certificates as a means of providing a controlled increase in interest-free currency formerly supplied by the use of gold. This is the only plan that can be followed by the Government under existing laws to supply an automatically controlled and necessary expansion of the currency that will be issued into circulation minus interest, thereby reducing the interest burden now being imposed on business, and at the same time increase the purchasing power both in our domestic and foreign markets, and in a measure stabilize foreign exchange.

I request support of this measure so that we may enlarge and increase the use of money that is being issued into circulation in contradistinction to money that is being lent into circulation through the operation of the Federal Reserve plan. The only thing we have today that circulates as money on which no one is paying interest is the silver certificate and we should therefore increase the silver in the Treasury through the issuance of silver certificates.

HEARINGS OF COMMITTEE ON BANKING AND CURRENCY OF THE HOUSE (REPT. NO. 833)

Mr. LAMBETH. Mr. Speaker, may I ask the gentleman to withhold his point to permit me to report a House concurrent resolution from the Committee on Printing, and ask for its immediate consideration?

The SPEAKER. Does the gentleman yield to the gentleman from North Carolina to permit the consideration of the resolution?

Mr. DIRKSEN. I withhold it, Mr. Speaker.

The Clerk read as follows:

House Concurrent Resolution 20

Resolved by the House of Representatives (the Senate concurring), That in accordance with paragraph 3 of section 2 of the Printing Act approved March 1, 1907, the Committee on Banking

and Currency of the House of Representatives be, and is hereby, empowered to have printed for its use 2,000 copies of the hearings held during the current session before said committee relative to the bill (H. R. 5357) to provide for the sound, effective, and uninterrupted operation of the banking system, and for other purposes.

With the following committee amendment:

On page 1, line 5, strike out "two" and insert "one."

The committee amendment was agreed to.

The House concurrent resolution was agreed to, and a motion to reconsider was laid on the table.

Mr. DALY. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes.

The SPEAKER. Is there objection?

Mr. DIRKSEN. I am sorry, Mr. Speaker, but I will have to object.

FUNERAL OF THE LATE SENATOR CUTTING

Mr. BLANTON. Mr. Speaker, in regard to the funeral of the late distinguished Senator from New Mexico, when I was selected as one of the Members of the House to attend the funeral it was thought that the funeral would be in New Mexico. It has since been determined that it will be in the State of New York.

I was a great admirer of the able and distinguished Senator from New Mexico and had great respect for his eminent ability and his invaluable service to the Nation. Since it has been determined that the funeral will be in the State of New York I think it more appropriate that one of our distinguished Members from the State of New York should attend the funeral in my place. I therefore ask unanimous consent that such a substitution be made, and that I be excused, and that the Speaker appoint in my place such a substitute from the State of New York.

The SPEAKER. Without objection, the gentleman from Texas will be excused. The Chair will make the appointment later.

LEAVE OF ABSENCE

Mr. CLAIBORNE. Mr. Speaker, will the gentleman from Illinois withhold his point of no quorum for me to make an announcement?

Mr. ARENDS. I will.

Mr. CLAIBORNE. Mr. Speaker, I regret to announce that my distinguished colleague [Hon. JOHN J. COCHRAN] of Missouri will be detained in the hospital for many weeks to come. I therefore ask unanimous consent that he be granted an indefinite leave of absence.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CORN-HOG PROCESSING TAXES

Mr. STEFAN. Will the gentleman from Illinois further withhold his point for me to make a request?

Mr. ARENDS. I will.

Mr. STEFAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and include therein a letter from the Agriculture Department and my answer thereto.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

Mr. STEFAN. Mr. Speaker, there is much interest among farmers in my district—the Third District of Nebraska—regarding processing tax on hogs and corn. Many cases are cited to me by farmers who are anxious for full details as to who really pays the processing tax on hogs; how the money is distributed, and where, if there is a balance in favor of the Government in cases where the farmer pays more tax than he receives back in benefits.

Because I have been asked these questions I directed a letter to Mr. Chester C. Davis, Administrator of the Agricultural Adjustment Administration, on March 18, citing some very interesting cases and asking for an explanation.

Because I had not received a reply to my questions on April 8 I directed another letter to Mr. Davis, and on May 4 I finally received a detailed reply to both letters signed by Mr. Alfred D. Stedman, Acting Administrator. This letter is of unusual interest, and because of its interest to the corn-hog producers I insert it here, with copies of my letters to Mr. Davis:

MARCH 18, 1935.

MR. CHESTER C. DAVIS,
Administrator Agricultural Adjustment Administration,
Washington, D. C.

DEAR MR. DAVIS: I have inquiries which are based upon the following sets of facts:

(1) A producer sold 59 head of hogs (17,870 pounds), upon which was collected processing tax, at \$2.25 per hundred-weight, aggregating..... \$402.07

On corn-hog cooperator contract he was paid \$5 per head on base head of 43, or \$215, less cases, \$6.45, netting..... 208.55
Also two-fifths of 26 acres of corn at 27 bushels per acre at 31 cents, less cost of operation..... 81.44

Total receipts from Government..... 289.99
Collection exceeded contribution by..... 113.08

(2) In another instance, a producer sold hogs upon which there was collected a processing tax of..... 368.33
On his corn-hog contract he received a total of..... 345.80

Collection exceeded contribution by..... 22.53

(3) My attention has also been called to the cases of 2 producers, noncooperators, who paid processing taxes of \$700 and \$6,000, respectively, without, of course, any return payment from the Government.

Now, the question is put to me: "What does the Government do with these excesses of collections over disbursements, and what is the justification of collecting more taxes from the producer than there is restoration made to him?" In other words, why should the producer lose in a transaction that ostensibly has been devised for his benefit? I am primarily interested to know what application is made of these excess collections.

Please advise me fully.

Very truly yours,

KARL STEFAN.

APRIL 8, 1935.

MR. CHESTER C. DAVIS,
Administrator Agricultural Adjustment Administration,
Washington, D. C.

DEAR MR. DAVIS: Under date of March 18, 1935, I addressed a letter to you in which I stated some detailed facts and inquired concerning the disposition of the excess of hog-processing tax collected over disbursements made to cooperators. Whether or not the gross collections exceed the gross disbursements, individual cases are frequent wherein the tax collected substantially exceeds the benefit received back. I have not had a reply to this inquiry. I need the information. I trust that you will be able to furnish it to me very shortly.

Very truly yours,

KARL STEFAN.

MAY 4, 1935.

HON. KARL STEFAN,
House of Representatives.

DEAR MR. STEFAN: This acknowledges your letter of April 8 in which you make inquiry concerning the collection and distribution of corn and hog processing taxes. You ask for a more detailed reply to your letter of March 18 in which you told of several individual farmers on whose hogs there is said to have been collected from the processors more money than is being paid to these farmers in the form of benefit payments. You report that your constituents have asked this question, "What does the Government do with these excesses of collections over disbursements and what is the justification of collecting more taxes from the producer than there is restoration made to him?"

In case 1 of your letter of March 18, a producer sold 59 head of hogs (17,870 pounds), upon which was collected from the processor at time of processing an aggregate tax of \$402.07, the current rate of the tax being \$2.25 per hundredweight. At the same time, this producer received under his 1934 corn-hog contract a net total of \$81.44 in corn payments and a net of \$208.55 in hog payments. The hog payment was at the rate of \$5 per head on a permitted production base of 43 head, less local administrative costs of \$6.45. The corn payment was at the rate of 30 cents per bushel on contracted corn land appraised at 27 bushels per acre. There were 26 contracted acres and the total net corn payment apparently amounted to a little more than \$200, but case 1 producer, as a partner under a share-crop lease, received only two-fifths of the total net corn payment; that is, \$81.44.

As your letter states, the gross taxes collected from the processor on the producer's 43 hogs exceeded the benefit payments to the producer by approximately \$113.08, but this does not take into account the sum of a little more than \$120, representing the three-fifths share of the total corn payment, which apparently went to the other share-lease partner. When this sum of \$120 is brought into the computation, as it clearly should be, then it develops that the total payments in case 1 really exceed the reported tax collections on the processing of hogs sold by the producer.

Now, the question arises, How will this excess of payments over collections be met? It will be met from tax collections at the processing of other farmers' hogs and corn and on any additional corn and hogs produced by the farmer in case 1 which are processed during the taxing period.

According to the present schedule, the corn- and hog-processing taxes will be in effect through a 3-year period ending November

4, 1936. The taxes became effective November 5, 1933. Most of the collections during the first 2 years will be required to meet the cost of the pig-buying program and 1934 corn-hog adjustment program. Distribution of benefit payments under the 1935 corn-hog program now being put into effect can largely be met from collections during the final year of the present scheduled taxing period.

As regards the division of benefit payments between landlords and tenants, the administration, acting on the majority opinion among producers, has specified that in the case of cash leases all payments should go to the tenant and that, in the case of share leases, the payments should be divided in the same proportion as the partners' shares in the division of the crops or the proceeds therefrom. In order to assure share-tenants that they would obtain a fair proportion of the payments, the landlord was prohibited from making any change in the lease or the tenure of the farm purposely to prevent tenants from obtaining the share of the payments they would receive if such payments were divided in proportion to the division of the corn crop and hogs the preceding year or to the division of the proceeds from such corn and hogs.

There are a number of cases besides the tenant-landlord cases under the corn-hog program in which the processing-tax collections on hogs and corn sold by the farmer either exceed or fall short of the benefit payments received by him. A contract signer, for example, whose hog-production average for the base period is relatively small with respect to his average corn acreage—say only 1 hog to every 4 acres of corn as compared with the average for all 1934 corn-hog contract signers of 1 hog to each corn acre—will under most circumstances receive in corn and hog payments an amount of money more than equivalent to the amount collected from processors with respect to corn and hogs produced by him and processed during the taxing period.

On the other hand, a contract signer whose average hog production is relatively large with respect to his average corn acreage—say three hogs per acre of corn—will under most circumstances receive in corn and hog payments an amount of money less than equivalent to the amount collected from processors with respect to corn and hogs produced by him and processed during the taxing period.

As a matter of fact, the total hog payments to all signers of the 1934 corn-hog contract are certain not to equal the gross processing tax collections on all hogs processed during the taxing period. In the first place, taxes collected with respect to products exported or furnished to institutions exclusively for charitable distribution or use eventually are refunded by the Government to the processor. Second, a net total of about \$30,000,000 in hog-processing-tax money has been used to finance the emergency purchase of hogs and hog products during the fall and winter of 1933-34. Third, a part of the hog-processing-tax money is being used to provide corn payments due under the 1934 program. But after deductions for the export refunds and the cost of the emergency hog program are made from the total gross processing-tax collections, it appears that the remaining amount of hog-tax proceeds plus the corn-processing-tax proceeds will not exceed the 1934 corn and hog payments due. The budget for the entire corn-hog program including the emergency buying activities has been revised from time to time so that collections will be kept as nearly in line as possible with actual disbursements.

Thus the farmer whose individual hog production and corn acreage is proportionate with the aggregate hog production-corn acreage ratio of all 1934 corn-hog contract signers, will receive in corn and hog payments an amount proportionate with the percentage of the taxes, collected from processors on corn and hogs produced by him, that is, withdrawn from the Federal Treasury to make corn and hog payments.

This is assuming that such an "average" farmer feeds his hogs out to the average market weight of about 225 pounds per head and that he produces up to his total permitted production under the contract. If he feeds his hogs beyond the 225-pound mark, then the processing-tax collections on the eventual processing of his hogs will be proportionately larger than his total benefit payments. The processing-tax rate per pound of live hog processed is the same in all cases, irrespective of the total weight of the hog. I might say parenthetically that the producer in case 1 appears to have sold his hogs at an average weight of more than 300 pounds, consequently the tax collections from the processor at the processing of case 1 producer's hogs were larger than average per head.

If a contract signer does not produce up to his total permitted hog production under the contract, then the total of tax collections at the eventual processing of his hogs will tend to be less than equivalent to his total corn and hog benefit payments. In this failure to produce the total permitted number of hogs, however, such a signer simply improves the market for others who do raise their quotas and he is not taking full advantage of the better hog prices resulting from the aggregate adjustment in hog numbers over the United States as a whole.

As a matter of fact, the contracting hog producer who raises up to his quota of permitted production tends in the long run to profit more than the contracting producer who does not raise his full quota, even though the sum of taxes collected on the eventual processing of the former's hogs may exceed the total of his own benefit payments. The contracting producer who raises his full quota of hogs is able to take full advantage of the extra lift in hog prices resulting from the less-than-quota production of other contract signers.

Similarly, the producer who specializes in hog production benefits indirectly from the control of corn acreage on other farms, even though a part of the hog processing tax money is used for this purpose. Control of corn acreage means control of hog production and the maintenance of strong hog prices. Corn is the principal feed grain, and any appreciable change in the supply of it usually results in a corresponding change in hog supplies. Moreover, corn-hog contract signers who set aside corn acreage in order to qualify for benefit payments also must agree to hold their market hog production a specified percentage below their 1932-33 average even though their market hog-production base may be relatively small. The favorable influence on hog prices of this double-barrelled control of hog production more than offsets for the producer specializing in hogs the portion of the hog processing tax collections used for corn payments.

Nevertheless, some producers who specialize in hog production wonder why a part of the hog-processing-tax collections should be used to help control corn production. There are two principal reasons.

First, as I have already indicated, it would be impossible to maintain a balanced hog production for any length of time without adequate control of corn production, even if all farmers specializing in the hog enterprise should agree to limit farrowings and were to share all of the processing-tax money as hog payments. In the absence of an adequately financed acreage-control program, corn production would be free to increase and undoubtedly would increase. Judging by past experience, we would then expect hog production to increase and hog prices to fall.

Temporarily, hog production might remain in balance with demand. Inevitably, however, producers specializing in the corn enterprise and not participating in the hog-control program would themselves turn to heavier hog production. They would be prompted to do this by a rise in the price of hogs relative to corn, induced, on the one hand, by the adjustment in hog numbers, and, on the other hand, by a fall in the price of corn due to unrestricted acreage and lessened feeding demand for corn on account of smaller hog numbers. Eventually the distribution of hog-processing taxes solely in the form of hog payments would be more than offset by a depression of the market price of hogs caused by increased hog production among outsiders.

In the second place, it is not practicable to collect sufficient funds from the corn-processing tax alone to handle all of the corn payments that are required by an adequate corn acreage control program. Only the relatively small volume of corn which enters commercial and industrial trade channels and actually is milled can be directly reached by a tax. The corn-processing tax collections will provide only about 10 to 15 percent of the total of corn payments due under the 1934 corn-hog contract. The remainder is being provided from hog-processing tax collections and from funds amounting to about \$37,000,000 available under general appropriations for the administration of the Adjustment Act.

It would be necessary to adopt a complex system of collecting fees on all corn that is fed; that is, on all corn that is processed by livestock, in order to obtain sufficient funds for corn payments from a corn-processing tax alone. The nearest satisfactory approach is to tax the processing of livestock derived from corn and affected by the control program.

Financing a part of the cost of corn-acreage control out of hog-processing tax collections, however, is not a matter of controversy among the majority of contract signers, because most of them usually are engaged in the corn enterprise to an extent reasonably proportionate with the extent of their hog enterprise. A preliminary survey of the 1934 corn-hog program has indicated that out of the total of 1,155,000 contracts, probably not more than about 10 percent do not also involve hog production.

In your case 2 example, a producer sold hogs upon which there was collected in taxes from the processor at time of processing a sum of \$368.33. Under his corn-hog contract, he received a total of \$345.80, thus leaving a difference of \$22.53. I think the explanation in foregoing paragraphs with respect to case 1 also will explain case 2. Neither the weights nor numbers of hogs sold are given so I have no way of knowing if the producer carried his hogs past the United States average of about 225 pounds in weight.

Under case 3, you tell of "two producers, noncooperators, who paid processing taxes of \$700 and \$6,000, respectively, without, of course, any return payment from the Government."

First, let me say that unless these farmers actually processed these hogs for sale directly to or exchange directly with consumers, they did not actually pay the processing taxes or at least they are not supposed to pay them. The tax is payable by the person doing the first domestic processing. In the case of hogs, this means (1) meat packers who slaughter hogs, (2) local butchers who slaughter hogs for sale or exchange, and (3) commercial handlers, such as retail stores, who obtain carcasses or other hog products from producers or feeders and then resell, exchange, rehandle, or otherwise prepare the carcasses or products for distribution or use. It does not mean farmers who produce or feed the hog excepting when, after they have butchered it, they sell the products directly to or exchange them directly with consumers.

It is sometimes argued that the producer "pays" the tax because he no longer gets in the form of an open-market price all of the total amount paid by the processor for each hog slaughtered. This statement, however, has no real significance so long as the combined income from both the open-market price and the benefit payment is larger than before. To say that the producer pays the processing tax when farm income has been increased by a program

financed by tax collections is to confuse the meaning of the word "pay."

It is now clearly apparent that the adjustment program is increasing total corn and hog income to the producing group. Hog numbers in the United States in 1934 were reduced by about 20,000-000 head, but hog prices more than doubled during the year, and total hog income, including corn-hog benefit payment amounted to about \$653,000,000 as compared with \$509,418,000 the year before. After allowance for the gradual increase that has taken place in the prices of things farmers buy, 1934 hog income was about 15 percent greater than in 1933 and more than 50 percent greater than in 1932. Likewise, hog prices at the farm in 1934 averaged about \$4.25 per hundredweight, or about 20 percent higher than for the preceding year, and the average price received by farmers for hogs during the first quarter of 1935 was about \$7.35 per hundredweight, or more than double the price received during the first quarter of 1934 before the adjustment in hogs became fully effective.

Even the nonsigners, to whom you refer under case 3, are benefited by the rise in the open-market price of hogs which results from the adjustment of production. They do not share, of course, in the benefit payments made out of the proceeds of the taxes, because they have not agreed to adjust corn and hog production in accordance with the corn-hog contract. Benefit payments are made only to producers who agree to adjust production and thereby contribute to the Nation-wide program to improve hog prices. Without the benefit payments or some similar device for protecting the cooperating producer against the actions of the noncooperator, a voluntary production-control program would be much less widely supported, and the efforts to increase hog prices would fail.

I hope that I have answered your questions in the desired detail. If you have further questions, I shall be glad to furnish any additional available information.

Sincerely yours,

ALFRED D. STEDMAN,
Acting Administrator.

Mr. Speaker, this detailed explanation by the acting administrator is rather confusing to me as it is to many of those who are interested in the welfare of the farmer who raises corn and hogs. The letter indicates the belief of the writer that the hog raiser is much better off today than he was before the restriction of hog raising was inaugurated. It is true the price of hogs has risen, but in my district the foundation stock of hogs has been pretty much depleted. Many farmers who had hogs to sell when this program went into effect have no hogs to sell now and cannot benefit by the increase in hog prices. Even now, when corn is selling at a dollar a bushel in my district of Nebraska, the price of live hogs is far less than cost of production. Hogs fed with dollar corn should be bringing at least 10 to 12 cents a pound for the hog farmer. At the present prices of around 8 cents the farmer raising hogs is losing money.

The letter indicates that the corn-hog program will be carried out into November of 1936, and it also indicates that there may be some danger that the hog farmer may continue under a processing-tax system which may penalize the hog raiser to pay for the expenses of a program carried out in 1933 and 1934. To me the study of this situation indicates that the hog farmer has carried the burden of the processing taxes from the very beginning and must carry the load of even the tax on corn.

There is nothing Congress can do to make any changes in the amount charged in processing taxes against live hogs. That power has been given entirely into the hands of the Secretary of Agriculture by the last Congress. However, I do feel that the hog farmer is being victimized because processing taxes on hogs have discriminated against the hog producer. It is true that prices of hogs, cattle, and other meat animals have increased. But the farmer who was forced to sell all of his livestock because of his financial inability to pay for high-priced feed is no better off today than he was before the program was put into effect.

While the corn-hog farmer can do nothing else but sign contracts because otherwise he would lose in benefit payments, yet there should be some solution toward giving the hog raiser more consideration when processing-tax questions are considered.

The general belief among farmers in my district is that the amount in hog-processing tax now charged is too high. Beef and mutton farmers have undoubtedly benefited from the higher prices of meat animals. Yet these animals are not subject to a processing tax. There is a general resistance on the part of the beef and mutton raisers toward any

processing tax on their animals, indicating a fear that such processing tax might mean that those farmers who produce these animals may suffer as a consequence. It would be proper to assume that the hog raiser has a just complaint when he feels that he might be the victim of penalization if the animals he produces are the only meat animals to be taxed.

The facts are that the corn-hog programs have been signed and that the Secretary of Agriculture will continue this program as this power has been given to him by the last Congress. Taking this fact into consideration and feeling that the hog farmer wants the processing tax on hogs lowered, the plea is made that the \$2.25 per hundredweight processing tax on hogs is too high; that it should be lowered and cut to around \$1 per hundredweight and that the processing tax should be spread to other meat animals; that the producers thereof should shoulder their burden along with the producer of hogs.

The producers of corn and hogs in my district are patriotic citizens who have joined with the administration in endeavoring to help in this distressing situation.

These producers are not favorable to any destruction program. Those who signed the corn-hog programs have done so, in most cases, with the belief that not to do so would result in losing a means of livelihood. They have signed with the hope that their action would help carry out the program of the administration and with the hope that this program will eventually bring about something near a cost of production for the things farmers raise. They are, however, opposed to anything which may continue a program of continued restriction. Many have written to me indicating that they favor some adjustment program but oppose destruction or continued restriction. They favor any plan the administration may have toward the recapturing of foreign trade for American-produced farm products, and they will resist any program which may tend to restrict American farm production in favor of importation of foreign farm products in competition with the things American farmers can produce.

Members of the House should know that in the Third District of Nebraska, which was once known as the "world's richest agricultural district", the moisture today is bringing more hope to the farmers than any program of restriction we can devise. The farmers there are looking forward toward a great planting season and a bounteous crop of small grain, corn, and livestock. The moisture at this time has put the ground in my district in wonderful shape. The rain has come with a promise of better producing months ahead. It has come following years of drought and grasshopper plagues. It has brought renewed hope in the hearts of men and women who feel that the consequences of the terrible war and the drought were the enemies of mankind in our country. The American farmers are \$799,000,000 more in debt this year than they were in 1933. But because of the money burdens of our people in my district, there is little hope for anything like the happiness which usually exists during a rainy spring in Nebraska. The majority of the landowners and renters in my district are financially embarrassed. They have borrowed far beyond their limits. Their ability to pay their debts has been impaired by long periods of hard times. Taxes and debt burdens with high rates of interest give them little hope for the future. More than 90 percent of the people in my district feel that the time has come for a period of lower taxes on public and private indebtedness.

Many of our people have had time to realize that the public and private debt burden of our country is staggering, and that the interest-payment burden on these tremendous debts cannot be paid. They feel there is a ray of sunshine and hope in any new legislation which will lower the rate of interest, and many of them are looking to this Congress to enact some legislation which will bring about this relief. It is my belief that 90 percent of the people in my district are watching with great hope the battle being waged by Members of the House to bring the Frazier-Lemke refinance bill up for consideration. Some may feel that the rate of

interest called for in that measure may be too low. One-and-a-half percent interest may seem too low to those used to loaning out money at high rates of interest, but the time has come in our country when something must be done to relieve the debt-burdened people of their interest loads and at the same time get some money back into the hands of creditors who cannot even collect the interest on their loans and have faint hope of ever securing the principle. The people in my district are looking to Members of this Congress to bring this bill up for consideration; my legislature has passed two or three resolutions endorsing this lower-interest-rate measure; 20 or more States have endorsed it. There may be some who do not favor such a measure in this House, but for the sake of humanity and the debt-burdened people of our land, let us bring the measure up for consideration and reach an agreement. I believe that in this measure we can find an opening wedge to drive much of our present depression out of existence and bring back real and permanent prosperity to our people.

Mr. ARENDS. Mr. Speaker, I renew my point of no quorum.

The SPEAKER. The gentleman from Illinois makes the point that no quorum is present. The Chair will count. Evidently there is no quorum present. The Clerk will call the roll.

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

[Roll No. 67]

Andrew, Mass.	Dunn, Miss.	Kimball	Romjue
Bankhead	Eaton	Lamneck	Sadowski
Bell	Elcher	Lee, Okla.	Sanders, La.
Brennan	Ellenbogen	Lesinski	Sandlin
Brooks	Farley	Lewis, Md.	Schuetz
Brown, Mich.	Fenerty	Lord	Schulte
Buckley, N. Y.	Fish	McAndrews	Scott
Cannon, Wis.	Fulmer	McClellan	Sears
Carden	Gambrill	McGroarty	Seger
Cartwright	Gasque	McLean	Shannon
Cavicchia	Gavagan	McSwain	Short
Chapman	Gilchrist	Meeks	Somers, N. Y.
Clark, Idaho	Granfield	Montague	Stubbs
Cochran	Green	Montet	Sullivan
Connery	Greenway	Norton	Sweeney
Crowther	Greever	Palmisano	Thomas
Culkin	Hancock, N. C.	Parks	Tonry
Cummings	Harlan	Peterson, Ga.	Vinson, Ky.
Darrow	Hartley	Peyser	Wadsworth
Dear	Hennings	Pierce	Wolfenden
Delaney	Higgins, Conn.	Rabaut	Zimmerman
Dies	Hollister	Ramspeck	
Driver	Hull	Rayburn	
Duncan	Kennedy, Md.	Robison, Ky.	

The SPEAKER. Three hundred and thirty-eight Members have answered to their names. A quorum is present.

Mr. TAYLOR of Colorado. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

IMPEACHMENT OF JUDGE SAMUEL ALSCHULER

The SPEAKER. The gentleman from Illinois [Mr. DIRKSEN] is recognized for 1 hour.

Mr. DIRKSEN. Mr. Speaker and Members of the House, I rise here today for the purpose of preferring charges of impeachment against Hon. Samuel Alschuler, United States circuit judge for the seventh circuit at Chicago, Ill.

Mr. Speaker, in filing these charges today against a justice of the United States Circuit Court I am not unmindful of the gravity of the matter and of the immense possibilities of harm and injustice that might result to the individuals named in such a charge. I have spent many weeks on this matter and have consulted with different Members of this House in the hope of being set right in case my own zeal might have blinded me to other considerations that might throw a different light on the facts and circumstances in this case. I have been reluctant to take this action, and yet it seemed to me that the injustice wrought is so great, the amount of money in the litigation out of which these charges spring is so large, and the circumstances so grave that there seemed to be no other course.

The courts of this Nation must, like Caesar's wife, be ever above all suspicion and above reproach. If and when the confidence of the people in the courts is ever shaken, if and when the people believe that justice and equity cannot be

obtained in the courts of our land, then will the Republic be well on its way toward dissolution, and I, for one, am willing and glad to raise my voice against courts and judges anywhere in the land if I honestly and sincerely believe that such protest is in behalf of the general welfare and in the interest of preserving the integrity of the courts. Doubtless these charges will provoke enmity, animosity, ill will, and hatred of a personal nature, but no public servant must let such considerations stand in the way of doing that which he conceives to be his full duty.

I shall put into the RECORD at this point some quotations from the footnotes that appear in the volume in connection with the impeachment of President Johnson.

In footnotes in volume I, Impeachment of Andrew Johnson, page 147, the proposition laid down by William Lawrence and B. F. Butler:

The result is that an impeachable high crime or misdemeanor is one in its nature or consequence subversive of some fundamental or essential principle of government, or highly prejudicial to the public interest, and this may consist of a violation of the Constitution, of law, of an official oath, or of duty; by an act committed or omitted, or without violating any positive law; by the abuse of discretionary powers from improper motives or for an improper purpose.

Page 141:

Judge Pickering was tried and condemned on all four articles exhibited against him, although the first three contained no other charge than that of making decisions contrary to law in a cause involving a mere question of property; and then refusing to grant the injured party an appeal from his decision to which he was entitled (per Buchanan in Peck's Trial, 428).

Page 139, referring to Chase's trial:

Suppose he proceeded in the dispatch of business and from prejudice against one party or favor to his antagonist he ordered the trial of the cause, though legal ground for postponement was shown.

Page 139:

If a judge should order a cause to be tried with 11 jurors only, surely he might be impeached for it, and yet I believe there is no court in which he could be indicted (Wickliffe re Peck's Trial).

Samuel Alschuler, justice of the circuit court of appeals, seventh circuit, is impeached for high crimes and misdemeanors in said office upon the following specific charges:

First: Said Samuel Alschuler, having been nominated by the President of the United States and confirmed by the Senate of the United States, duly qualified and commissioned, and while acting as justice of the circuit court of appeals, seventh circuit, at Chicago, Ill., did on divers and various occasions so abuse the powers of his high office and so conduct himself as to be guilty of favoritism, oppression, and judicial misconduct whereby he has brought the administration of justice in said seventh circuit in the said circuit court of appeals of which he is a justice, into disrepute by his aforesaid conduct and acts and is guilty of misbehavior and misconduct falling under the constitutional provision as ground for impeachment and removal from office.

Second: That said Samuel Alschuler did knowingly and willfully violate his oath of office as such justice and became and was in his said office knowingly and corruptly guilty of favoritism to certain corporations then appellants in a cause pending before the said circuit court of appeals, seventh circuit, to wit, to Pullman, Inc., the Pullman Co., Pullman Car & Manufacturing Corporation, and Safety Car Heating & Lighting Co., and to Edward F. Dunne, Jr., attorney for said appellant corporations (no. 5113 in said circuit court of appeals); that the suit herein was filed in the district court on January 8, 1929, and at that time Edward F. Dunne, Jr., and Edward F. Dunne, Sr., were each of them attorneys at law with offices in Chicago, Ill.; that Robert S. Blair, a patent lawyer, at the city of New York, was attorney for the Pullman corporations and Safety Co. and filed his appearance in the Chicago suit. One Delos G. Haynes, of St. Louis, junior counsel, also filed his appearance, and Edward F. Dunne, Jr., did not then appear. It is stated in the Blair brief in this cause that in March 1929 (60 days after suit was begun in Chicago) that Laurence A. Janney, of New York, and Edward F. Dunne, Jr., of the Chicago bar, "who had moved to New York, formed with Robert S. Blair and certain others

the firm of Janney, Blair & Curtis. In January of 1933, upon certain changes in the personnel of that firm, the name was altered to Blair, Curtis & Dunne." It also appears from said brief, page 17: "Judge Alschuler is a friend of Governor Dunne (meaning Edward F. Dunne). These two gentlemen have known and esteemed each other for nearly 50 years." The said justice, Samuel Alschuler, has been known as the "very close friend" of said Edward F. Dunne for more than 50 years and said Alschuler and Dunne have been known as "maintaining a long-time and very close affiliation and relationship"; that during the hearing and decision of the said patent suit and before and after the hearing the said Samuel Alschuler was active in and president of the Edward F. Dunne Portrait Association, which association arranged with an artist, Mrs. Paul Godehna, of Chicago, to make an oil painting of Edward F. Dunne and the said association presented the portrait on October 13, 1934, and at the said ceremony the said Samuel Alschuler took a leading part and made an address. The attorney for the Pullman corporations and Safety Co., Robert S. Blair, brought the son of Edward F. Dunne, close friend of the senior justice of the court of appeals, Samuel Alschuler, into his New York law firm within 60 days after the suit was begun in January 1929 and then subsequently altered the firm name to Blair, Curtis & Dunne. Blair and Delos G. Haynes appeared in the cause before the master and district court and Edward F. Dunne, Jr., appeared in the patent suit for the first time in the court of appeals. Edward F. Dunne, Jr., never made a motion or said a word in court at any time in the patent case. He was a silent lawyer. At the time the name of Edward F. Dunne, Jr., was added to the list of counsel for the corporations, they also brought into the record as chief counsel the name of George L. Wilkinson, lawyer, of Chicago, who is the chairman of the ethics and grievance committee at the Patent Bar Association. The briefs show the chairman of the ethics committee in first place and the son of the "very close friend" of the senior justice, Samuel Alschuler, in last place on the list.

That said Edward F. Dunne, Jr., was so taken into the New York law firm of Robert S. Blair for the express purpose of providing a channel and means of communication between Blair and said Samuel Alschuler in the patent cause then pending, and that the said Samuel Alschuler was knowingly and corruptly influenced in his decision of the patent cause rendered on June 27, 1934, and rehearing petition decision October 4, 1934, in favor of said Pullman corporations and Safety Co. by the appearance of the said Edward F. Dunne, Jr., on the briefs in said patent cause; that said Samuel Alschuler knowingly and corruptly sat in said court as presiding justice upon the hearing and decision of said cause, and when and while he, the said Samuel Alschuler, was also president of the Edward F. Dunne Portrait Association, and when and while Edward F. Dunne, Jr., was attorney for the said Pullman corporations and Safety Co. in said suit.

That the circuit court of appeals, seventh circuit, wrongfully overruled the district court (Hon. Charles E. Woodward, judge presiding) which held in all matters in favor of Marshall Electric Co., complainant, and said district court entered its decree (July 26, 1933) finding the patent in suit valid and infringed by the Pullman corporations and Safety Co., and said decree of the district court was wrongfully and wholly reversed contrary to the evidence and the law by the said circuit court of appeals (Justice Samuel Alschuler, presiding) because said Edward F. Dunne, Jr., appeared on the briefs in the cause and the said reversal of said decree was a judicial favor to Edward F. Dunne, Jr., Edward F. Dunne, Sr., and the said Pullman and Safety corporations, and to Robert Barbour and William Warren Barbour, of the Safety Co., and to D. A. Crawford, president of the Pullman Co., and to the officers of said corporation, and the said judicial favoritism of said Samuel Alschuler while he, said Samuel Alschuler, was president of the Edward F. Dunne Portrait Association, constitutes judicial misconduct and misdemeanor in said office.

Third: That Samuel Alschuler, as such justice, on the 27th day of June 1934 and October 4, 1934, unlawfully, will-

fully, and corruptly reversed the District Court of the United States without any evidence in the record upon which to base such a reversal and in direct contradiction of the rulings of the Supreme Court of the United States and of its own prior holdings, and to accomplish that result in this patent case gave to prior art patents a construction and operation they do not have and do not claim and yet, one now judicially given to them (notably the Turbayne patent) by the circuit court of appeals. (See decision 72 Fed. (2d) 474.)

That 35 witnesses appeared for the Pullman and Safety Cos., including their expert, Harold Pender, and none of them denied the testimony for complainant. Pender corroborated the complainant in important respects, yet the opinion of the court reversed the chancellor and disregards the evidence for the Pullman and the Safety Co. as well as that for the complainant. The court of appeals entirely disregarded the delay and laches of the Safety Co. in asserting any claim on their patents from 1923 to 1929, although the same court shortly before in a similar case relied on laches. The court of appeals found all the elements of the patent claim present in the infringing devices and also the operation thereof. The opinion shows that the gist of the device was taken and the capital idea is being used by appellants, and yet the court found there was no infringement. The court of appeals gave to a basic patent owned by complainant a narrow construction and gave to the three paper patents of the counter claim, that were never made or used by appellants, a broad construction, all contrary to their own prior holdings, contrary to the decisions in other circuits and contrary to decisions by the Supreme Court.

In 1923 the Safety Co. recognized the claims and property rights of the complainant and denied such rights for the first time in 1929 when they filed the counter claims in the suit that was begun by the complainant. Yet the court of appeals wholly disregarded the acts and doings of the Safety Co. in that regard and disregarded the estoppel created by the conduct of the Safety Co. in 1923.

The testimony as to existing conditions in moving railroad cars was given for the complainant, but the appellants took the cars down to their yards and adjusted them while standing in the yards out of service, and testified about them when not operating, yet the court of appeals disregarded this testimony as to the conditions existing in moving trains and found for the appellants. The record is without evidence upon which to base their decision, and the opinion is contrary to the established doctrines of equitable estoppel, laches, good faith, and clean hands; and the court of appeals wrongfully reversed the district court and held for the Pullman Co. and Safety Co., and said Samuel Alschuler was the presiding justice in said court when said decision was rendered and, as such justice, knowingly and corruptly failed and refused to follow the law of the land.

Fourth: That said Samuel Alschuler did deliberately and willfully defeat the ends of justice and did prevent Marshall Electric Co., complainant, from obtaining justice in the United States courts while he, said Samuel Alschuler, was the presiding justice in the court of appeals and, at the same time, was active in and president of the Edward F. Dunne Portrait Association. That a patent suit was begun January 8, 1929, against the Pullman corporations and Safety Co., and in March 1929 Dunne, Jr., was taken into the New York law firm of Janney, Blair & Curtis, attorneys for the said Pullman corporations and Safety Co. In January 1933 the name of the New York law firm was changed to Blair, Curtis & Dunne. That during the entire time the suit was pending in the district court the said Samuel Alschuler stood in the said relationship of close friendship with Dunne, Jr., and Dunne, Sr. That uncommon and unusual proceedings were taken and urged by the defendants and their attorneys to trap the complainant and make a record in the case that would avoid the necessity for a decision on the merits by the circuit court of appeals. The following are noted:

First: A finding by a master or court that is based upon a personal inspection of premises or machinery by a master or

trial court, in the presence of and upon consent of all parties, binds all the parties. Under such circumstances the finding of the master on a question of fact becomes final and will not be reversed. In the patent case the master began taking testimony June 15, 1931, and closed November 13, 1931. On November 4 Haynes, attorney for the Pullman corporations and Safety Co., made a motion that the master make such an inspection and the master promptly ordered such a session. The complainant insisted upon a complete record that could be brought into court and that did not rest in the view and memory of a master, and after repeated efforts to force the complainant into such consent, and after threats of ex parte personal inspection by the master and defendants, the proposed excursion was abandoned by them. The consent necessary to bind all parties to an incomplete record and that would make the findings of the master final was not given by the complainant and the trap failed. The motion came toward the end of the master's hearings and after the defendants had taken hundreds of pages of testimony in their New Haven laboratory and in the railroad yards, always avoiding moving trains, and was a subtle trap to make the finding of the master final. It failed. After the evidence closed the matter was held in the master's office for 14 months without any explanation as to the reason for the long delay.

Second: The district court was put under duress to find for defendants, the Pullman corporations and Safety Co. It is a well-known rule of law that any decision in which the master and district court agree is not disturbed by the court of appeals and is frequently disposed of by the court of appeals without any discussion on the merits. Robert Barbour, of Paterson, N. J., is a stockholder and the active director of the Safety Car Heating & Lighting Co., a New Jersey corporation. WILLIAM WARREN BARBOUR, United States Senator from New Jersey, is a stockholder and financially interested in the Safety Co. The two Barbour brothers were financially interested in the decision about to be then made in the district court—Hon. Charles E. Woodward, judge, presiding. Robert Barbour and William Warren Barbour are directors in the United Shoe Machinery Corporation, a New Jersey corporation largely interested in patents and license thereunder as applied to shoe-making machinery. WILLIAM WARREN BARBOUR is president and director of the Linen Thread Co. of Scotland and also of Barbour Bros. & Co. and is a director of the American Net & Twine Co. Robert Barbour is president, treasurer, and director of the Barbour Flax Spinning Co. of Paterson, N. J., director of the Linen Thread Co., Ltd., of Scotland; that said Robert Barbour and William Warren Barbour, so being financially interested in the said Safety Co. and in the results of the pending litigation before Judge Woodward in the district court in Chicago, arranged with their patent attorney, Robert S. Blair, to have said Robert S. Blair take the said Edward F. Dunne, Jr., into the Blair law firm in New York, and Blair did so. That said Safety Co. and Robert Barbour and others interested thereby secured the aid and assistance of the Dunne organization. That immediately prior to the argument on the patent case before Judge Woodward a Chicago newspaper printed an editorial under the caption "Courts Are for Justice", which lauded Judge Woodward and the justices of the court of appeals; that same was timed to influence Judge Woodward toward the Pullman Corporations and Safety Co., but failed in that purpose; that shortly after the argument of March 30, 1933, the same newspaper that had lauded Judge Woodward began to attack him in big headlines with suggestion of inquiry looking to impeachment.

A Representative in Congress was freely quoted with reference to such suggestion of impeachment and eventually Judge Woodward stated in the press he knew what was back of it all and that it would all come out in due time. During all of this newspaper publicity, the patent case was pending for decision. A Representative in Congress finally presented a resolution looking to an investigation of Judge Woodward and this was referred to the Judiciary Committee of the House which appointed a subcommittee to take testimony.

On July 26, 1933, Judge Woodward decided the patent case in all matters against the Pullman corporations and Safety Co. That said investigation charges were preferred while the patent cause was pending before Judge Woodward and after the effort to cajole him by newspaper flattery failed; that said charges were brought to coerce said Judge Woodward to find in the patent suit for the Pullman corporations and Safety Co.; that the said Judge Woodward was put under duress; that said charges are now before the House. That said Samuel Alschuler was in a position to advise the said Dunne in the premises both as to matters before the master and before the district court, and that the said charges while the patent cause was pending operated to defeat justice and to effect a corrupt decision for the Pullman corporations and the Safety Co.; that the relationship of Samuel Alschuler, Crawford, Dunne, Sr., Dunne, Jr., Blair, Robert Barbour, and William Warren Barbour, and others, is such and their association with reference to the patent cause reveals the reason the decree of Judge Woodward was reversed by the United States Circuit Court of Appeals; that said Samuel Alschuler knew the relationship of Edward F. Dunne, Sr., and Edward F. Dunne, Jr., to him and that he was at the times mentioned president of the Edward F. Dunne Portrait Association, and that Edward F. Dunne, Jr., was in said cause as attorney for the Pullman corporations and Safety Co.; that a corrupt conspiracy accomplished its objective and in that regard the said Samuel Alschuler as such justice of the court of appeals did deliberately and willfully defeat justice and is guilty of judicial misconduct and high crimes and misdemeanors in said office.

Fifth: That Samuel Alschuler on the 27th day of June 1934 and October 4, 1934, willfully, knowingly, and deliberately did decide the cause then pending before the circuit court of appeals—no. 5113—without any supporting evidence on the major material proposition involved in the case and contrary to numerous decisions of the Supreme Court and other circuits and its own prior decisions, all of which were brought to the attention of said Samuel Alschuler at the time the matter was pending before the court of appeals.

Sixth: That Samuel Alschuler on the 27th day of June 1934 and October 4, 1934, in rendering said decision and denying rehearing, did unlawfully use his judicial position for the unlawful purpose of deciding with partiality and favor the pending cause, no. 5113, for the Pullman corporations and Safety Co. to the profit of their attorneys and said corporations and without regard to equity, law, and justice in that regard, and thereby brought the administration of justice in said court into disrepute.

Seventh: That said Samuel Alschuler was in a position to, and, it is believed, did, advise with the attorneys for the Pullman Co. and Safety Co. when the cause was pending before the master and before the district court and in the court of appeals. That the report filed by the master has the language of and appears to have been drawn by the attorneys for Pullman and Safety corporations, and the opinion of the court of appeals closely follows the form and language of the master's report. That inquiry should be made into the authorship of both the said master's report and of the opinion rendered by the court of appeals.

Eighth: That Samuel Alschuler knowingly used his judicial powers as an incident to and an overt act pursuant to a conspiracy to wrongfully and fraudulently take over for the Pullman corporations and the Safety Co. a patent known as the "Chandeysson patent" for the control of voltage in electric current, the same being a patent of very great value and now in wide-spread, world-wide use, and now in use in railroad cars and many other applications. The said patent is basic and of the same importance in the electrical power field as the use of carbon dust is in the telephone world.

The district court held the Pullman and Safety corporations to be infringers, and this ruling the said Samuel Alschuler reversed under the foregoing conditions, which acts and decisions under the existing close personal friendships and unlawful duress, coercion, and influences set

forth constitute judicial misconduct, conspiracy, and high crimes and misdemeanors and subject said Samuel Alschuler to impeachment and removal from office.

Ninth: That Samuel Alschuler, on June 27, 1934, and on October 4, 1934, and at all other times mentioned, was and knew that he was president of the Edward F. Dunne Portrait Association and was a very close friend of Edward F. Dunne, Sr., for many years and that he, said Samuel Alschuler, was biased and partial to said Edward F. Dunne and to Edward F. Dunne, Jr., and toward the Pullman Co. and Safety Co., appellants, and biased against the Marshall Electric Co., appellee, in case no. 5113 then pending for decision by said Samuel Alschuler and said court of appeals and that it was then and there the duty of the said Samuel Alschuler as such justice of the circuit court of appeals to recuse the said cause; that said Samuel Alschuler being so biased and partial to appellants and their attorney Edward F. Dunne, Jr., and being then and there prejudiced and biased against the appellee, Marshall Electric Co., did knowingly and unlawfully fail and neglect to perform said duty to recuse the said cause but on the contrary, well knowing the premises, did unlawfully sit as presiding justice of said circuit court of appeals and did hear and decide said cause with unlawful partiality and favor to the appellants and to the said Edward F. Dunne, Jr., attorney for said Pullman Co. and Safety Co. and by his said failure to recuse and refuse said cause and by his conduct and decisions in said case said Samuel Alschuler knowingly and corruptly brought the administration of public justice into disrepute and the said failure and neglect to recuse and refuse said cause and his acts as presiding justice and decisions in said cause under the existing circumstances constitutes judicial misconduct and high crimes and misdemeanors in said office. That said Marshall Electric Co. did not know that said Samuel Alschuler was president of the said Edward F. Dunne Portrait Association until October 6, 1934, to wit, 2 days after the petition for rehearing was denied by said court of appeals. That said knowledge was not made generally known but was confined to approximately 100 members of the bar. That said Samuel Alschuler unlawfully took a biased and prejudiced and active interest in said cause on behalf of Edward F. Dunne, Jr., and the appellants and thereby made a fair and impartial trial as provided for under the Constitution and laws of the United States impossible and therefore the said Samuel Alschuler is impeached.

Tenth: That the Pullman corporations were at all times represented by said Robert S. Blair and Delos G. Haynes, and in the court of appeals also by said Edward F. Dunne, Jr., and the chief engineer for the Pullman corporations, Frank O. Marshall attended the sessions for the taking of testimony, and assisted the attorneys, agents, and officers of the Safety Co.; that the said Frank O. Marshall and the said attorneys acted in that regard under the directions of D. A. Crawford, president of the Pullman corporations, and the directors of said Pullman corporations, and that the said Dunne, Jr., at all times was in communication with said Pullman officials, and the said Pullman corporations officials and directors were active participants in the several overt acts above set forth, in the execution of said conspiracy, and the said Samuel Alschuler well knew that the said Dunne, Jr., and the said Safety Co. officers and directors, and the officers and directors of said Pullman corporations were each and every one of them engaged in an unlawful conspiracy in the premises, yet knowing said premises decided said pending cause for said corporations, contrary to his said duty above referred to, and thereby committed impeachable high crimes and misdemeanors.

Now, by way of explanation and elaboration, let me say that the Marshall Electric Co., of Elkhart, Ind., of which Thomas Marshall, of Chicago, is the president, held a patent on certain devices for regulating and controlling electric current, which was issued in December of 1925. The use of this patent has spread to such things as battery-charge control on locomotives, oil-electric and gas-electric units, multiple-unit cars, plating generators, generators on ships, volt-

age regulators in lamp and power-consuming devices on ships, radiobeacons, gyroscopic compasses, depth indicators, textile machines, and many other devices, which will indicate that its use involves millions of dollars.

The Marshall Electric Co. filed suit against the Pullman Co., the Pullman Car & Manufacturing Co., and the Safety Car Heating & Lighting Co. for infringement.

The matter was then referred to Mr. Thomas J. Peden, the only active master in chancery in the United States district court at that time. The master took testimony in Chicago, in New Haven, Conn., and again in Chicago, and finished taking testimony on November 13, 1931. He then held the matter under advisement for 17 months without any apparent reason, and when his findings were filed with the Federal district court he found for the Pullman Co. and the Safety Car Co., defendants in the case.

While this matter was pending before Master Thomas Peden, the master in this case asked the plaintiff Marshall to make an affidavit in behalf of William Scott Stewart, of Chicago, who had one time worked with Peden in the State attorney's office of Cook County. Peden described Stewart as his very best friend. The affidavit was intended to aid Stewart, who at that time was under charges in the Supreme Court of Illinois filed by the Chicago Bar Association. Marshall made the affidavit and delivered it to Stewart, and while in Stewart's office, Stewart made the following statement to Marshall:

You know I want to talk to you about this stuff pending before Peden. Peden has lost a lot of money in bank failures and foreclosures. You know that Peden, Judge Wilkerson, and myself are like this [holding fingers close together]. Now, what I want to know is, what you can do. I would not like to see you get the deal that was handed to the Checker (taxi) people. Peden, Wilkerson, and I took \$106,000 away from that mob of taxi drivers and split it three ways and then decided against them anyhow. Now, in your case it ought to be a cut-in for about 10 percent of your net.

This statement came from a close friend of the United States master in chancery at the time the case was pending before that master, a friend who was under charges by the Chicago Bar Association, and a friend who speaks of his close connection with Federal Judge James Wilkerson at a time when this case was on Judge Wilkerson's call. This is the same Judge Wilkerson who was investigated by a subcommittee of the Judiciary Committee of this House under House Resolution No. 145, passed on June 12, 1933. The report of that subcommittee was, of course, limited to bankruptcy and receivership matters, and as to the proposed action of the subcommittee, I quote from the report:

Your subcommittee is of the opinion that the evidence does not warrant the interposition of the constitutional powers of impeachment of the House of Representatives, but in several instances conduct prejudicial to the dignity of the Federal judiciary is disclosed.

From the master the case went to the court of Hon. Charles E. Woodward, judge of the United States District Court, on exceptions and came on for argument on March 30, 1933. Judge Woodward rendered his decision on July 26, 1933, and found for the plaintiff, Marshall Electric Co., on every issue. Judge Woodward was another of the three Federal judges whose conduct in bankruptcy and receivership matters was investigated by the subcommittee of the House Judiciary Committee, and the Members of this House may remember that I made some very caustic comment on the conduct of these Federal judges when the first report of the subcommittee became available and there was an opportunity to examine the findings of that subcommittee. I hold no brief for Judge Woodward and reaffirm what I have said about him and other judges on previous occasions.

Mr. SUMNERS of Texas. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. Yes.

Mr. SUMNERS of Texas. I am not familiar with the precedents, but I have the impression that in preferring charges of impeachment, argumentative statements should be avoided as much as possible. If I am wrong in that statement with reference to what the precedents and custom have established, I of course withdraw the observation.

Mr. DIRKSEN. Mr. Speaker, I have no desire to violate the precedents, and if I have done so it is only because I have not had an opportunity to examine them thoroughly, but if the objection is well taken, I should prefer not to present argumentative matters to the House.

Mr. SUMNERS of Texas. I am sure the gentleman does not purpose to violate the precedents, and unfortunately I do not know about the matter myself. I am not advised as to what the precedents establish, but without looking them up, merely from the standpoint of what would seem to be proper procedure, it occurs to me that all argumentative statements be omitted in preferring impeachment charges.

Mr. DIRKSEN. Mr. Speaker, there are two more pages of explanatory matter which perhaps I should not present to the House at this time if the point is well taken. I would, however, like to put them into the RECORD as elaborating the statement of specific charges that have been made.

The SPEAKER. The Chair thinks it is entirely up to the gentleman from Illinois so far as the propriety of his statement is concerned.

Mr. DIRKSEN. I do not want to violate any of the proprieties of the House, Mr. Speaker.

Mr. SUMNERS of Texas. I do not know what they are myself.

The SPEAKER. The gentleman from Illinois is making his statement on his own responsibility as a Member of the House.

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

Mr. DIRKSEN. Permit me to finish this statement first.

Mr. CELLER. Then will the gentleman yield?

Mr. DIRKSEN. Yes.

However, while this patent case was pending before Judge Woodward, a Member of the House of Representatives was quoted in the Chicago papers to the effect that an inquiry into the conduct of Judge Woodward was being contemplated. It is a most singular thing that in March of 1933, just a few days before this case came on for argument before Judge Woodward, that he received the most lavish praise in a Chicago newspaper and that only 6 weeks later, that same newspaper published whole pages of pictures and reading matter with respect to the purported inquiry into his official conduct. Judge Woodward is quoted in a Chicago newspaper as having replied, "I know perfectly what is back of it all and at the proper time the facts will come out." I could mention many names and circumstances in this connection, but properly speaking, those are matters to be ascertained by the committee, if and when it makes an investigation into this matter. I need only say that volumes of conclusive proof are available at the proper time.

The case then went on appeal to the United States Circuit Court of Appeals for the Seventh Circuit sitting at Chicago, Ill., of which the Honorable Samuel Alschuler was the duly qualified presiding justice and the charges of impeachment fully recite the relationships that existed to indicate that there was a breach of duty on the part of Justice Alschuler and warrant a complete and impartial investigation of all the acts and circumstances in connection with this matter.

Federal judges hold office for life, conditioned on good behavior and can be reached only by constitutional action when there is good and substantial reason to believe that there has been a breach of duty and a violation of the integrity of the court. That constitutional action can only be effected by preferring charges, requesting a full and complete inquiry and investigation to ascertain the basis for such charges, and to return an impeachment if the committee to whom such investigation is intrusted finds that the charges are true as alleged. I express no further opinion in the matter except to say that I sincerely believe the matter requires immediate action on the part of the proper committee of this House.

Mr. Speaker, may I add this one feature. As I said at the outset, I have studied over this matter for weeks and months. It occurred with me that there was something

wrong in the picture, and I wondered exactly how it might be attacked, and what relief the gentleman in question might get. I consulted with some of the Members of the House, and perhaps it is not amiss to say that I even consulted with the Parliamentarian in the hope that perhaps there was some alternative procedure that would make it unnecessary for me to stand in the well of this House to-day to impeach a Federal justice of the United States Circuit Court of Appeals in my own State. I want the Members of the House to know that it is a procedure to which I have lent my efforts very reluctantly, but, seeing no other way out and feeling there was incumbent upon me a duty to perform, I have tried this day to perform that duty and lay the facts before the House and before the Committee on the Judiciary for their action and in connection therewith, I submit the following resolution:

House Resolution 214

Resolved, That the Committee on the Judiciary is authorized and directed, as a whole or by subcommittee, to inquire into and investigate the official conduct of Samuel Alschuler, a justice for the United States Circuit Court of Appeals, Seventh Circuit, to determine whether, in the opinion of said committee, he has been guilty of any high crime or misdemeanor which in the contemplation of the Constitution requires the interposition of the constitutional powers of the House. Said committee shall report its findings to the House, together with such resolution of impeachment or other recommendation as it deems proper.

Sec. 2. For the purpose of this resolution, the committee is authorized to sit and act during the present Congress at such times and places in the District of Columbia and elsewhere, whether or not the House is sitting, has recessed, or has adjourned; to hold such hearings, to employ such clerical, stenographic, and other assistance; to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, to have such printing and binding done, and to make such expenditures, not exceeding \$5,000, as it deems necessary.

Mr. CELLER. Will the gentleman yield?

Mr. DOBBINS. Mr. Speaker, a point of order. I have heard no articles of impeachment read. As I have listened to the matter presented by the gentleman from Illinois [Mr. DIRKSEN], it is nothing more nor less than a resolution asking for an inquiry, and not articles of impeachment. It seems to me that it is not a privileged matter, and the gentleman is not entitled to occupy the time of the House in this manner. The gentleman has not offered any articles of impeachment.

The SPEAKER. The gentleman has offered no articles of impeachment. He is simply making charges.

Mr. DOBBINS. I assumed he had finished. There have been no articles of impeachment presented.

The SPEAKER. Charges of impeachment; not articles of impeachment.

Mr. DOBBINS. I have heard no articles of impeachment read.

Mr. DIRKSEN. It seems to me this was in its entirety articles of impeachment.

Mr. DOBBINS. It is nothing more than a resolution of inquiry.

Mr. DIRKSEN. Perhaps the gentleman did not hear the first part of my remarks. I will read the first paragraph of this report:

Samuel Alschuler, justice of the Circuit Court of Appeals, Seventh Circuit, is impeached for high crimes and misdemeanors in said office upon the following specific charges.

Mr. DOBBINS. As I understand articles of impeachment, Mr. Speaker, that does not amount to an impeachment at all.

The SPEAKER. The gentleman does not prepare articles of impeachment. That is done by the committee.

Mr. DOBBINS. It is simply a resolution of inquiry such as we have offered here every day, and is not a privileged matter.

The SPEAKER. The Chair can only state what the gentleman said when he took the floor; that is, that he was preferring charges of impeachment against a certain United States circuit judge.

Mr. DOBBINS. But there have been no such charges; simply a resolution of inquiry.

The SPEAKER. The gentleman is making his charges now.

Mr. DIRKSEN. I am making the charges very specifically.

Mr. IGOE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. IGOE. Does it constitute a charge against a judge of the circuit court of appeals to say of him that he was president of some portrait association which had for its object the purchasing of a picture of a former Governor of one of the States of this Nation?

Mr. DIRKSEN. Mr. Speaker, that is not a parliamentary inquiry.

The SPEAKER. That is a matter for the committee.

Mr. IGOE. That is all there is to this whole charge.

The SPEAKER. That is a matter for the committee to take under consideration.

Mr. CELLER. Will the gentleman yield? I know the gentleman wants to be fair.

Mr. DIRKSEN. I yield.

Mr. CELLER. Judge Alschuler was appointed by President Wilson in 1915.

Mr. DIRKSEN. I am sorry, but I have not examined into that matter.

Mr. CELLER. Will not the gentleman state in all fairness that the circuit court of appeals is composed of three judges, and that there are four judges in that district, namely, Judge Alschuler, of Chicago; Judge Evan A. Evans, of Madison—

Mr. DIRKSEN. Mr. Speaker, I refuse to yield further.

Mr. CELLER. Will the gentleman express the names of the other two judges who heard this case with Judge Alschuler? There must have been three judges hearing the case.

Mr. DIRKSEN. Mr. Speaker, I refuse to yield and I refuse to have any controversy about this matter. I am asking that this matter be referred to the committee.

Mr. CELLER. I would ask the gentleman has there been an appeal in the case to the Supreme Court?

Mr. DIRKSEN. I do not submit to a controversy upon the merits of this matter, Mr. Speaker.

The SPEAKER. Does the gentleman yield; and if so, to whom?

Mr. DIRKSEN. Mr. Speaker, I refuse to yield.

The SPEAKER. The Chair will endeavor to protect the gentleman in his rights on the floor. He has those rights because he has risen to a question of privilege.

Mr. SUMNERS of Texas. Will the gentleman yield?

The SPEAKER. Does the gentleman yield to the gentleman from Texas?

Mr. SUMNERS of Texas. For an observation, if the gentleman from Illinois has finished.

Mr. DIRKSEN. I yield.

Mr. SUMNERS of Texas. I desire at the present time, or just as soon as I may be permitted to do so, to move that the resolution offered by the gentleman, together with the charges, be referred to the Committee on the Judiciary of the House of Representatives. I want to offer that motion at the proper time.

The SPEAKER. That motion is not in order now, of course, until the gentleman has concluded.

Mr. DIRKSEN. Mr. Speaker, I yield back the balance of my time.

Mr. IGOE. Will the gentleman yield for a question?

Mr. DIRKSEN. I do not yield.

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

Mr. SUMNERS of Texas. Mr. Speaker, I move that the resolution just read to the House, together with the charges of impeachment, be referred to the Committee on the Judiciary of the House of Representatives.

The SPEAKER. The gentleman from Texas (Mr. SUMNERS) moves that the resolution, together with the charges of impeachment which have just been read to the House, be referred to the Committee on the Judiciary.

The motion was agreed to.

The SPEAKER. The resolution and the charges are referred to the Committee on the Judiciary of the House.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. SABATH. Mr. Speaker, ladies and gentlemen of the House, if I have ever been taken by surprise, I certainly have been a few moments ago when my colleague the gentleman from Illinois [Mr. DIRKSEN] rose to offer a resolution to impeach one of the most honorable, efficient, and honest judges of any court in the Nation. I am still stunned by the accusations he enumerated, but failed to substantiate them. I am still undecided whether to consider this attack as a skirmish to divert the action of the Judiciary Committee in matters of some other judges, or whether my colleague has permitted himself to become an instrument for ulterior designs of someone else. I fear that the real purpose for this unwarranted attack has nothing to do with the honesty or efficiency of the judge in question. I can hardly believe that my colleague would go so far and besmirch a man for political reason or to do so for the purpose of minimizing the serious charges presented to the Judiciary Committee, which is investigating Judges Woodward, Wilkerson, and Lindley. Such an action on the part of my colleague would be undignified for a man of his position and standing.

Mr. Speaker, the accuser has not submitted any proof for his accusations nor have the accusations themselves any real weight. We cannot very well accept seriously the gentleman's statement that Judge Alschuler was a member of an association of some unselfish admirers of former Governor Dunne and a painting was presented at that time. This happened many years ago. The gentleman brings forth that the firm of the former Governor Dunne was interested in certain litigation which was at that time before Judge Woodward. The same case came before the circuit court of appeals of which Judge Alschuler is a member.

I know nothing of this litigation, and this is the first time I hear about it. My colleague says that this matter, which he considers a serious breach, was delayed for 15 months, and that it was before a United States master in chancery. Does not the gentleman know that the matter must have been referred to the master by the judge before whom the case was pending, namely, Judge Woodward? It certainly is clear enough that it was not delayed by Judge Alschuler, and, furthermore, Judge Alschuler could not have known that this case would ever be appealed, nor that it would be referred to him when it reached the circuit court of appeals. Does not the gentleman know that the assignments of cases in the circuit court of appeals are made in rotation? Consequently, Judge Alschuler, even if so willful as the gentleman is trying to portray him, could not have manipulated the matter in the way the gentleman wishes us to believe.

My colleague is mistaken when he states that the three Republican judges have been investigated as a consequence of my resolution. I have been repeatedly requested to offer resolutions of impeachment against Judge Woodward, Judge Wilkerson, and Judge Lindley; but I declined, in view of the fact that the matter is being investigated by the Judiciary Committee. The resolution for this investigation was introduced by my colleague the gentleman from New York [Mr. CELLER], while no action was instituted by me. This attitude of mine was in compliance with the action taken by the committee, in spite of the fact that the Chicago Bar Association made a report against Judge Woodward. It was at the instigation of the Chicago Bar Association that the investigation was initiated. I regret to note that my colleague has seen fit to charge me indirectly to having given interviews about the investigation of Judge Woodward. On the contrary, I refused to offer a resolution of impeachment, in spite of the many real and serious charges supported by evidence and brought out before the House Judiciary Committee against Judge Woodward and the other two Republican Federal judges in the city of Chicago. These are the real facts of my activities in the case.

The gentleman charges that a few weeks before Judge Woodward decided the case in question a certain powerful newspaper or newspapers lauded him and that since he

decided adversely they began to assail him. That as a consequence this powerful newspaper, and I believe he refers to the Chicago American or Chicago Examiner, I do not recall which, printed the charges made against Judge Woodward by the Chicago Bar Association. I am satisfied, however, that this serious charge against one or both newspapers is unfounded. Though not authorized to speak for these papers I am satisfied that they would never lend themselves for any such purpose. Though I do not share the policies of these papers, nor do they always agree with my views, I cannot permit such charges against them to go unchallenged. Not only that these accusations are unfair and unjust, but, I am satisfied, that they are untrue.

Serving with Judge Alschuler on the circuit court of appeals are three other outstanding judges—Judge Evans, Judge Parks, and Judge Fitzhenry. The latter was formerly a Member of this House and as honest a man as can be found anywhere, and a man enjoying a deserved splendid reputation. The same is true of Judge Evans. The fourth, Judge Parks, I do not know personally so well but he also enjoys a great reputation. These four judges enjoy the greatest confidence not only of the bar but of the people in Chicago generally. Never before has there been the slightest implication as to their character and honesty. They are known as gentlemen who cannot be swayed by passion or favoritism in the discharge of their important duties; they are scrupulously honest, upright, and able, and no one can safely dare even to imply that their official actions could be controlled or influenced to a remotest degree.

The circuit court of appeals in the last few months has handed down opinions criticizing the judges of the district court, of which Woodward is one; and I am inclined to fear that this resolution has been instigated and introduced in retaliation and for the purpose of warding off impeachment proceedings against the three Republican Federal judges of Chicago who are under investigation by the Judiciary Committee of this House.

Mr. Speaker, I did not act because I believed that the Judiciary Committee would properly handle the matter, and I believe it will in due time. I have the first report of the Committee; and if I had the time to read it to the House, I know there would be a general demand for immediate affirmative action.

I refrain, however, and shall not be carried off my feet by this nonsensical resolution introduced against a most honorable and outstanding judge just because he happens to be one of the very few Democratic Federal judges in Illinois. As soon as I can find the time to make a full investigation, and to digest thoroughly the evidence that has already been presented against these three Republican Federal judges, I shall act resolutely. I repeat, I did not wish to act before the Judiciary Committee has made its final report, but this resolution will compel me to act without further delay. There is sufficient supportable evidence, as shown in the first preliminary report, that these three district judges who have been investigated are guilty of real compromising offenses and abuses which bring disrepute upon our judiciary.

Mr. Speaker, in conclusion, let me say that there is nothing in these so-called "charges" and "insinuations." The son of the former Governor, a friend of Judge Alschuler, years ago moved to New Jersey and formed a law partnership. There could possibly be no connection between the matter to which my colleague refers in which the Pullman Co. was a party to some patent rights and, I repeat, of which I have never heard and know nothing about. However, I do favorably know former Governor Dunne, who for years was one of our outstanding judges, the mayor of Chicago, and the Governor of our State.

I cannot deny the assertion of my colleague that he has a positive statement from some lawyer who was approached by another lawyer named Stewart, that Stewart could be helpful to him because he—Stewart—is very friendly and close to Judge Wilkerson. Whether true or not, how could that in any way be held against Judge Alschuler, when everybody familiar with conditions in Chicago knows that there is nothing in common between Judge Wilkerson and Judge Alschuler.

I am satisfied that the people of Illinois will in one accord not only disapprove but condemn these defamatory, unfounded charges.

It appears to me that the dissatisfied lawyers who gave these nonsensical charges to my colleague made him believe it was an offense for the circuit court of appeals to reverse Judge Woodward's decision. However, in view of the evidence which has been piled up before the Judiciary Committee on Judge Woodward's actions, I am sure that that will not be the views and belief of the people of Illinois.

There is no favorable comparison between the official standing and confidence reposed in Judge Alschuler and his associates, Judge Evans, Judge Fitzhenry, and Judge Parks, on one hand, and the official conduct of Judge Woodward, on the other, who really merited the inquiry by the House Judiciary Committee.

Mr. Speaker, ladies and gentlemen of the House, saying the least, I am not only surprised but I am amazed that my colleague, with the responsibility of his position, permitted himself to be used in filing these ridiculous alleged charges.

I am certain that Judge Alschuler will not ask for delay, nor will he send emissaries to obtain delay, but he will court fullest inquiry and insist upon an immediate and searching investigation.

I am confident that the Judiciary Committee will find after a most thorough investigation that these insinuations and reckless charges, if they can be thus dignified, are not only unwarranted and baseless but there will not be a scintilla of evidence produced to substantiate them or anything tending to show any wrongful act in connection with this or any other matter in the life of the splendid, courageous, honest, and fearless judge who is beloved by all who have the privilege of knowing him or who are familiar with his laudable, conservative judicial record. [Applause.]

Mr. IGOE. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

Mr. DUFFEY of Ohio. Mr. Speaker, reserving the right to object, and I feel I must object, the specific business before the House today is consideration of bills on the Private Calendar.

Mr. IGOE. Mr. Speaker, I hope the gentleman will not press his objection.

Mr. DUFFEY of Ohio. Mr. Speaker, I withdraw my objection.

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

There was no objection.

Mr. IGOE. Mr. Speaker, I ask my friend from Peoria if he will kindly listen, because I want to ask him some questions.

Mr. DIRKSEN. Mr. Speaker, I do not care to enter into a controversy with the gentleman from Illinois.

Mr. IGOE. If he does not care to answer them he may remain mute in his seat, but I shall ask them just the same, and he may answer if he desires.

The first question I wish to propound to the gentleman from Peoria, Ill., is this: Is it a fact that the litigation discussed by you and incorporated in the resolution which you read here today is now pending before the Supreme Court of the United States?

Mr. DIRKSEN. It is not.

Mr. IGOE. It is not a fact?

Is it not a fact that the attorney whose name you mentioned specified these charges which are the basis of the charges you made here in a brief which was filed before the Supreme Court of the United States?

Mr. DIRKSEN. Only in part.

Mr. IGOE. Wait a minute, wait a minute; let me finish my question. And the Supreme Court of the United States punished him for the language he used, fined him, and suspended him from practice? Just answer that yes or no.

Mr. DIRKSEN. Not to my knowledge.

Mr. IGOE. Not to your knowledge?

Mr. DIRKSEN. Yes.

Mr. IGOE. Do you not know, my friend, that a petition for certiorari was filed on behalf of this Marshall Electric Co.? Is not that true?

Mr. DIRKSEN. That is true.

Mr. IGOE. And in submitting that motion was not the brief prepared by an attorney in Chicago named Thomas Marshall? Is not this true? Answer yes or no.

Mr. DIRKSEN. I am not sure whether it is true or not. Mr. Speaker, I refuse to enter into a controversy with the gentleman.

Mr. IGOE. Mr. Speaker, so long as he does not care to answer, permit me to make a few remarks.

To begin with, I live in Chicago. I am not a candidate for Governor, which is something that may not be said about the gentleman who brought in this resolution.

Mr. DIRKSEN. Will the gentleman yield?

Mr. IGOE. I do not yield to the gentleman.

Mr. DIRKSEN. The gentleman is not a gentleman or he would not bring that matter up.

Mr. IGOE. I refuse to yield to the gentleman.

Mr. DIRKSEN. And, Mr. Speaker, I refuse to have such insinuations made about myself.

Mr. IGOE. The gentleman's actions now, Mr. Speaker, are typical of the conduct which has characterized his everyday activities in this House.

I am not a candidate for Governor of Illinois. I do not think the gentleman who brought in this resolution can say the same thing about himself. If I were a candidate for Governor, however, I would not be quite so small as to come in here and attempt to attain my ambitious goal by destroying the good name of a fine man. [Applause.] Someone said years ago—

Who hath adjudged of aught
One side unheard, were himself unjust.

I wish the gentleman would take that quotation to heart, analyze it, and try to figure out what it means.

Mr. Speaker, who is this man against whom the gentleman has raised his voice? Samuel Alschuler, justice of the circuit court of appeals in the district in which the gentleman and myself both reside. I live in Chicago less than 100 feet of where this jurist lives. I know him personally. I know the manner of man he is. I know the kind of citizen he has been. I know the reputation he bears throughout the whole of the State of Illinois. The gentleman who brought these charges here today, if he had one ambition, it might be that when he has become as old as Samuel Alschuler now is, the gentleman from Illinois might bear some of the reputation that belongs to Samuel Alschuler today. [Applause.]

Mr. Speaker, let us see how silly these charges are. Let us see how silly the mere presentation of them is. The gentleman says there was something wrong and corrupt because Samuel Alschuler was president of the Edward F. Dunne Portrait Association. Is that not terrible? What does it mean? It means simply this: We have a practice in our State, when a man who occupies a place of honor, particularly upon the bench, retires from that place of honor, funds are gathered together and appropriate pictures are hung in appropriate places. Mr. Dunne has been a Governor of our State, judge of our circuit court, as well as mayor of our city.

Dunne and Alschuler have been friends, as the gentleman truly said, for more than 50 years. Dunne and Alschuler competed politically in times gone by. Back in 1912 Dunne opposed Alschuler as a candidate for Governor. Dunne was nominated and afterward elected. Then on through the years they remained friends. When President Wilson was the Chief Executive of this Nation one of the men who joined with other citizens of our community in asking that Alschuler be placed upon the bench was this same man, Edward F. Dunne.

Mr. Speaker, no one in all of Illinois has a finer reputation than that possessed by both Dunne and Alschuler. Mr. Dunne's son, Edward F. Dunne, Jr., went to New Jersey

many, many years ago, and engaged there in the practice of patent law. It was not at all unusual, therefore, that he should be interested in a patent lawsuit pending in one of the circuit courts of appeals of this country.

The gentleman in this resolution sets out nothing improper on the part of either the father or son, so far as the Dunne family is concerned; but always and ever he is trying to bring into this picture that old Sam Alschuler must be corrupt because foresooth he happens to have been chairman of a group that collected money to hang an oil painting of Edward F. Dunne in the city of Chicago. By the same token I am guilty, too. I am a member of that association. You folks could join also if you want to pay \$10, which is the only requirement. The only thing that Judge Alschuler did in this matter—and an examination of the facts will clearly indicate it—was to permit his name to be used as the honorary chairman of the committee that collected funds for this purpose. That is all he did.

For this gentleman to come in here and make the sly and unsupported charges against a man of Alschuler's character and reputation, Mr. Speaker, I say is something more reprehensible than I thought could be done in a body of this kind. I sincerely hope that Judge Alschuler will join with the Chairman of the Judiciary Committee of this House and insist that these charges be examined quickly in order that a decision may be arrived at as speedily as possible, to the end that justice may be done to Judge Alschuler, and to the end also that no one in the future will run as a candidate for Governor of any State in this Union by means of a crucifixion of a great man in the State in which he lives. [Applause.]

[Here the gavel fell.]

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes.

Mr. O'BRIEN, Mr. DOBBINS, Mr. MITCHELL, and Mr. DUFFEY of Ohio objected.

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein a reply to the statement made by the gentleman who just spoke.

Mr. O'BRIEN, Mr. DOBBINS, Mr. MITCHELL, and Mr. DUFFEY of Ohio objected.

COMMITTEE ON IMMIGRATION

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that the Committee on Immigration may be permitted to sit tomorrow during the session of the House.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

THE PRIVATE CALENDAR

The SPEAKER. This is the day for the calling of the Private Calendar. The Clerk will call the first bill on the calendar.

JULIAN C. DORR

The Clerk called the first bill on the Private Calendar, H. R. 4105, for the relief of Julian C. Dorr.

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

Be it enacted, etc., That the Comptroller General is authorized and directed to credit the account of Julian C. Dorr, Department of State, formerly American consul at Genoa, Italy, in the sum of \$606.77, such sum having been expended by the Department of State in shipping the household effects of said Julian C. Dorr from Genoa, Italy, to Barbados, British West Indies, in connection with a change of assignment, and such expenditure having been charged to the account of said Julian C. Dorr by the Comptroller General on the ground that such shipment should have been made on an American vessel under the provisions of section 601 of the Merchant Marine Act, 1928. The surety on the bond of the said Julian C. Dorr is hereby released from any liability arising out of such expenditure.

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

INTERNATIONAL MANUFACTURERS' SALES CO. OF AMERICA, INC., A. S. POSTNIKOFF, TRUSTEE

The Clerk called the next bill, H. R. 4178, for the relief of the International Manufacturers' Sales Co. of America, Inc., A. S. Postnikoff, trustee.

Mr. TRUAX. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes on this bill and some others that will follow.

Mr. MOTT. Mr. Speaker, reserving the right to object, sometime ago we changed the rules and the procedure with respect to bills on the Private Calendar for the sole purpose, as I understood it, of preventing discussion of bills on the Private Calendar. I did not think it was a good idea at the time the matter was up, and I voted against it. However, a majority of the Members were of the opinion that during the first call of the Private Calendar we should have no discussion on the bills. I therefore feel constrained to object unless some good reason should be given why these bills are entitled to discussion while other important measures are not.

Mr. TRUAX. Mr. Speaker, I would say to the gentleman that this bill involves an authorization of nearly \$1,000,000, and I think this is sufficient reason why the Members should know something about it.

Mr. MOTT. May I ask the gentleman if he intends to object to the bill?

Mr. TRUAX. I shall decide that, I will say to the gentleman, after I make my observations.

Mr. MOTT. Oh, no; that is a fair question. Is the gentleman going to object to the bill when it is called?

Mr. O'CONNOR. Mr. Speaker, I call for the regular order.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. MOTT. Mr. Speaker, reserving the right to object, I shall object unless the gentleman advises me whether he is going to object to the bill.

The SPEAKER. The regular order has been demanded. Is there objection to the request of the gentleman from Ohio?

Mr. MOTT. I object, Mr. Speaker.

Mr. TRUAX. Mr. Speaker, I make the point of order there is not a quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and forty-two Members present, not a quorum.

Mr. TAYLOR of Colorado. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

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

[Roll No. 68]

Allen	Duncan	Hull	Ramspeck
Amile	Dunn, Miss.	Johnson, W. Va.	Rayburn
Andrew, Mass.	Eaton	Keller	Reed, N. Y.
Bacon	Elcher	Kennedy, Md.	Robinson, Utah
Bankhead	Ellenbogen	Kerr	Robson, Ky.
Bell	Farley	Kimball	Romjue
Binderup	Fenerty	Kinzer	Sabath
Brown, Mich.	Fish	Lamneck	Sadowski
Buckley, N. Y.	Flannagan	Lee, Okla.	Sanders, La.
Cannon, Mo.	Frey	Lesinski	Schneider
Cannon, Wis.	Fulmer	Lewis, Md.	Scott
Carden	Gambrill	Lloyd	Sears
Cartwright	Gasque	Lord	Seger
Caviechia	Gavagan	McAndrews	Shannon
Clark, Idaho	Gearhart	McClellan	Short
Cochran	Gehrmann	McLean	Smith, Wash.
Colmer	Gingery	McLeod	Somers, N. Y.
Connelly	Granfield	McSwain	Stack
Cooley	Gray, Pa.	Mapes	Stewart
Cooper, Ohio	Green	Meeks	Stubbs
Crosser, Ohio	Haines	Montague	Sweeney
Darrow	Halleck	Montet	Thomas
Dear	Hancock, N. C.	Murdock	Thurston
Delaney	Harter	Nichols	Vinson, Ky.
Dempsey	Hartley	Norton	Wadsworth
DeRouen	Hennings	O'Day	Werner
Dickstein	Higgins, Conn.	Palmisano	Withrow
Disney	Higgins, Mass.	Peyser	Wood
Doutrich	Hollister	Rabaut	Zimmerman
Driver	Hook	Ramsay	

The SPEAKER. Three hundred and eleven Members have answered to their names—a quorum is present.

Mr. TAYLOR of Colorado. Mr. Speaker, I move that further proceedings under the call be dispensed with.
The motion was agreed to.

INTERNATIONAL MANUFACTURERS' SALES CO. OF AMERICA, INC.

The SPEAKER. Is there objection to the consideration of the bill (H. R. 4173) for the relief of the International Manufacturers' Sales Co. of America, Inc., A. S. Postnikoff, trustee?
Mr. McFARLANE, Mr. BLANTON, and Mr. TRUAX objected.

The SPEAKER. The bill will be recommitted to the Committee on Claims.

ANTHONY NOWAKOWSKI

The Clerk called the next bill on the Private Calendar, H. R. 4210, for the relief of Anthony Nowakowski.

The SPEAKER. Is there objection?

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. O'CONNOR. That is not permissible.

The SPEAKER. The bill must be either objected to or considered.

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

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to Anthony Nowakowski the sum of \$500, being the amount of a bond deposited as security and filed with the inspector in charge of immigration at Detroit and later forfeited because of his failure to depart from the United States.

With the following committee amendments:

Page 1, line 4, after the word "pay", insert "out of any money in the Treasury not otherwise appropriated."

Page 1, line 6, strike out the words "being the amount of" and insert "in full settlement of all claims against the Government of the United States for."

Page 1, line 10, after the word "State", insert "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 as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CLAIMANTS WHO SUFFERED LOSS BY FIRE IN THE STATE OF MINNESOTA DURING OCTOBER 1918

The Clerk called the next bill on the Private Calendar, H. R. 3662, for the relief of certain claimants who suffered loss by fire in the State of Minnesota during October 1918.

The SPEAKER. Is there objection?

Mr. YOUNG, Mr. TRUAX, and Mr. BLANTON objected.

The bill was recommitted to the Committee on Claims.

THOMAS STOKES

The Clerk called the next bill on the Private Calendar, H. R. 604, for the relief of Thomas Stokes.

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

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Thomas Stokes, late of Company K, First 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 member of that organization on the 14th day of September 1887: *Provided, That* no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Page 1, line 9, strike out "3d" and insert "14th".

The amendment was agreed to.

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

ROY BECK

The Clerk called the next bill on the Private Calendar, H. R. 594, for the relief of Roy Beck.

The SPEAKER. Is there objection?

Mr. HOPE and Mr. HANCOCK of New York objected.

The bill was recommitted to the Committee on Military Affairs.

DR. GEORGE E. HOLTZAPPEL

The Clerk called the next bill on the Private Calendar, H. R. 5762, authorizing the President to present in the name of Congress a Medal of Honor to Dr. George E. Holtzapfel.

The SPEAKER. Is there objection?

Mr. MOTT and Mr. HANCOCK of New York objected.

The bill was recommitted to the Committee on the Library.

PERCY C. WRIGHT

The Clerk called the bill (H. R. 2566) for the relief of Percy C. Wright.

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

Be it enacted, etc., That the President is authorized and directed to appoint Percy C. Wright, who formerly was the officer in charge of an armament section of a tactical unit of the United States Army Air Corps and in training for a commission in the Regular Army, a first lieutenant of the United States Army Air Corps and to place him on the retired list for disability from injuries received while on a routine flight in connection with his duties as an officer of a Regular Army tactical organization, at Marshall Field, Fort Riley, Kans., January 29, 1929, dating his commission and benefits therefrom on the date said Percy C. Wright returned to civil life.

With the following committee amendments:

Page 2, line 1, strike out the words "and benefits therefrom."

Page 2, line 3, strike out the period, insert a colon and the words: "Provided, That no bounty, back pay, pension, retirement pay, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendments were agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CAPT. RUSSELL WILLSON, UNITED STATES NAVY

The Clerk called the bill (H. R. 5564) for the relief of Capt. Russell Willson, United States Navy.

The SPEAKER. Is there objection?

Mr. TRUAX. I object.

The SPEAKER. It requires two objections. There being no other objection, the Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Capt. Russell Willson, United States Navy, out of any money in the Treasury not otherwise appropriated, the sum of \$15,000 in full settlement for his invention which has been accepted by the Navy Department for use in connection with naval-communication facilities.

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

JOHN E. CLICK

The Clerk called the bill (H. R. 2466) for the relief of John E. Click.

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

Be it enacted, etc., That John E. Click, chief clerk of the administrative office of the Alaska Division, Bureau of Indian Affairs, with headquarters now at Juneau, Alaska, is hereby relieved of reimbursing the United States for credit to the appropriation "Education of natives of Alaska, 1930-31", the sum of \$261.82 paid to the Alaska Steamship Co., of Seattle, Wash., from said appropriation for transporting his personal and household goods from Seattle, Wash., to Juneau, Alaska, upon permanent change of station, under an authorization issued by the Department of the Interior.

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

JAMES AKEROYD & CO.

The Clerk called the bill (H. R. 3337) for the relief of James Akeroyd & Co.

There being no objection, the Clerk read the bill, 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 James Akeroyd & Co., of Philadelphia, Pa., the sum of \$3,645.75, with interest from November 1, 1928, to cover a refund on certain wood imported under the Emergency Tariff Act of 1921.

With the following committee amendments:

Page 1, line 7, strike out the words "with interest from November 1, 1928" and insert in lieu thereof "in full settlement of all claims against the Government of the United States."

Page 1, line 9, strike out the word "wood" and insert in lieu thereof the word "wool."

Page 1, line 10, strike out the period and insert a colon and 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 committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

STANLEY T. GROSS

The Clerk called the bill (H. R. 4031) for the relief of Stanley T. Gross.

There being no objection, the Clerk read the bill, 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 Stanley T. Gross the sum of \$500, representing the amount of a United States Treasury bond which he deposited in behalf of Stanislaw Walczak, an alien, who has been deported.

With the following committee amendments:

Line 6, after the figures "\$500", strike out the word "representing" and insert in lieu thereof "in full settlement of all claims against the Government of the United States for."

Line 9, strike out the period, insert a colon and 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 committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

HARRIET V. SCHINDLER

The Clerk called the bill (H. R. 4290) for the relief of Harriet V. Schindler.

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

Be it enacted, etc., That sections 17 and 20 of the Employees' Compensation Act of September 7, 1916, as amended, are hereby waived in favor of Harriet V. Schindler, widow of Frederick S. Schindler, deceased, formerly employed at the post office, Utica, N. Y., and the United States Employees' Compensation Commission is authorized and directed to consider and determine her claim for compensation, notwithstanding the limitations in the first paragraph of section 10 of the aforesaid act. The Commission is further authorized and directed to pay such expenses for medical treatment furnished Frederick S. Schindler on account of his injury as it may determine to have been reasonable and necessary.

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

JOHN J. MORAN

The Clerk called the bill (H. R. 4610) for the relief of John J. Moran.

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

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, and paid to John J. Moran the sum of \$296.42, being the amount paid by Mr. Moran as postmaster at Southington, Conn., to Raymond F. Keating and Keron R. Welch, employees at the post office for the period August 16 to September 30, 1918, which amount was not allowed by the Post Office Department, plus interest at the rate of 4 percent per annum.

With the following committee amendments:

Page 1, line 3, strike out "that there is hereby authorized to be appropriated" and insert in lieu thereof "That the Secretary of the Treasury be, and he is hereby authorized and directed to pay."

Page 1, line 6, strike out the word "paid" and insert "in full settlement of all claims against the Government of the United States."

Page 2, line 1, after the figures "30", strike out "1918, which amount was not allowed by the Post Office Department, plus interest at the rate of 4 percent per annum," and insert "1918: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or 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 committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM A. RAY

The Clerk called the bill (H. R. 4630) for the relief of William A. Ray.

There being no objection, the Clerk read the bill, 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 A. Ray, postmaster at Mount Sterling, Ohio, the sum of \$50.74 to reimburse him for the amount of postal funds lost as a result of the failure of the First National Bank of Mount Sterling, Ohio.

With the following committee amendments:

Line 6, after the figures "\$50.74", strike out "to reimburse him" and insert in lieu thereof "in full settlement of all claims against the Government of the United States."

Line 10, strike out the period, insert a colon and 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 committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

ESTELLE M. GARDINER

The Clerk called the bill (H. R. 4699) for the relief of Estelle M. Gardiner.

There being no objection, the Clerk read the bill, 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 Estelle M. Gardiner the sum of \$10,000 for damages suffered by reason of her brother, John Henry Gardiner, being struck and fatally injured by a Government automobile which was driven by an employee of the Post Office Department.

With the following committee amendments:

Line 6, strike out "\$10,000" and insert "\$5,000, in full settlement of all claims against the Government of the United States."

Line 11, strike out the period, insert a colon and 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 committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

YAMATO SESOKO

The Clerk called the next bill, H. R. 4718, for the relief of Yamato Sesoko.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Yamato Sesoko the sum of \$6,000. Such sum shall be in full settlement of all claims for damages against the United States on account of injuries sustained by the said Yamato Sesoko when he was struck during machine-gun practice by the Navy at Pearl Harbor, Territory of Hawaii, on November 11, 1932.

With the following committee amendments:

In line 6, strike out "\$6,000" and insert in lieu thereof "\$2,000." In line 10, after the figures, insert a colon and 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 committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INDIVIDUAL CLAIMS OF MILITARY PERSONNEL

The Clerk called the next bill, H. R. 4798, to authorize the settlement of individual claims of military personnel for damages to and loss of private property incident to the training, practice, operation, or maintenance of the Army.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the General Accounting Office be, and is hereby, authorized and directed to pay the following claims of military personnel and civilian employees in the amounts shown which have been approved and recommended for payment by the Secretary of War, for damages to, and loss of, private property of such personnel incident to the training, practice, operation, or maintenance of the Army, and that such payments be made from the present appropriation of the War Department entitled "Claims for damages to and loss of private property": E. M. Burnett, captain, Eighth Regiment United States Cavalry, \$17.70; Haskell H. Cleaves, first lieutenant, Signal Corps, United States Infantry, \$6; James H. Crawley, master sergeant, Air Corps, United States Army, \$8; Henry L. Guertin, first sergeant, Company C, First Regiment United States Engineers, \$25; Oliver L. Spicer, civilian employee, \$35; Charles P. Sugg, staff sergeant, Seventy-third Pursuit Squadron, Air Corps, United States Army, \$13; and Teel D. Whitton, sergeant, Second Ammunition Train, United States Army, \$22.40.

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

REIMBURSEMENT OF OFFICERS AND ENLISTED MEN ON ACCOUNT OF EARTHQUAKE AT MANAGUA, NICARAGUA

The Clerk called the next bill, H. R. 4799, to provide for the reimbursement of certain officers and enlisted men or former officers and enlisted men of the Navy and Marine Corps for personal property lost, damaged, or destroyed as a result of the earthquake which occurred at Managua, Nicaragua, on March 31, 1931.

The SPEAKER. Is there objection?

Mr. HANCOCK of New York, Mr. HOPE, and Mr. TRUAX objected, and the bill, under the rule, was recommitted to the Committee on Claims.

CIRIACO HERNANDEZ

The Clerk called the next bill, H. R. 4833, for the relief of Ciriaco Hernandez and others.

There being no objection, the Clerk 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, such sum or sums, amounting in the aggregate not to exceed \$232.94, as may be required by the Secretary of the Navy to reimburse Ciriaco Hernandez, Marcial Flores, Luis Enriquez, and Rafael Romero for losses sustained while giving their attention to the rescuing of personnel of the U. S. S. *Tacoma*, following the grounding of that vessel on La Blanquilla Reef, off Vera Cruz, Mexico, on January 16, 1924: *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 claims. 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 claims, 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 was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REIMBURSEMENT OF ENLISTED MEN OF THE NAVY ON ACCOUNT OF FIRE AT HAMPTON ROADS, VA.

The Clerk called the next bill, H. R. 4845, to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects lost, damaged, or destroyed by fire at the naval training station, Hampton Roads, Va., on February 21, 1927.

There being no objection, the Clerk 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, such sum or sums, amounting in the aggregate not to exceed \$3,500, as may be required by the Secretary of the Navy to reimburse, under such regulations as he may prescribe, enlisted men or former enlisted men of the Navy for the value of personal effects lost, damaged, or destroyed as a result of the fire which occurred in unit J, naval operating base, Hampton Roads, Va., on February 21, 1927.

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

RELIEF OF EMPLOYEES OF FOREIGN SERVICE

The Clerk called the next bill, S. 267, 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.

Mr. TRUAX and Mr. YOUNG objected, and the bill, under the rule, was recommitted to the Committee on Foreign Affairs.

EDGAR H. TABER

The Clerk called the next bill, H. R. 1963, for the relief of Edgar H. Taber.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Edgar H. Taber, late staff sergeant of the Eighty-eighth Aero Squadron of the Air Service, United States Army, shall hereafter be held and considered to have been honorably discharged March 30, 1921, from the military service of the United States on account of physical disability: *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 bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VELIE MOTORS CORPORATION

The Clerk called the next bill, H. R. 2706, to confer jurisdiction upon the Court of Claims to hear, determine, and

render judgment upon the claim of the Velie Motors Corporation.

Mr. YOUNG, Mr. TRUAX, and Mr. COSTELLO objected; and the bill, under the rule, was recommitted to the Committee on War Claims.

A. C. MESSLER CO.

The Clerk called the next bill, H. R. 3101, to confer jurisdiction on the Court of Claims to hear and determine the claim of A. C. Messler Co.

Mr. YOUNG and Mr. TRUAX objected; and the bill, under the rule, was recommitted to the Committee on War Claims.

RALPH C. IRWIN

The Clerk called the next bill, H. R. 4036, for the relief of Ralph C. Irwin.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the appointment of Ralph C. Irwin as regular village letter carrier at Brea, Calif., on the 16th day of March 1929 shall hereafter be held to have been regularly and duly made as of that date and he shall be entitled to compensation from that date in accordance with the laws and postal regulations governing appointments and promotions for length of service.

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

RELIEF OF CERTAIN CONTRACTORS

The Clerk called the next bill, H. R. 108, to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes", approved August 25, 1919, as amended by act of March 6, 1920.

Mr. TRUAX and Mr. COSTELLO objected, and, under the rule, the bill was recommitted to the Committee on Public Buildings and Grounds.

NEWTON C. STALNAKER

The Clerk called the next bill, H. R. 609, for the relief of Newton C. Stalnakar.

Mr. TRUAX and Mr. COSTELLO objected, and, under the rule, the bill was recommitted to the Committee on Military Affairs.

FRANK KROEGEL

The Clerk called the next bill, H. R. 2107, for the relief of Frank Kroegel, alias Francis Kroegel.

Mr. TRUAX. Mr. Speaker, I object.

There being no further objection, the Clerk read a similar Senate bill (S. 51), as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Frank Kroegel, alias Francis Kroegel, who was a member of Company M. Twelfth Regiment New York 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 22d day of July 1898, and notwithstanding any provisions to the contrary in the act relating to pensions, approved April 26, 1898, as amended by the act of May 11, 1908: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

House bill (H. R. 2107) was laid on the table.

JOHN KELLY

The Clerk called the next bill, H. R. 2186, for the relief of John Kelly.

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

Be it enacted, etc., That the United States Employees' Compensation Commission be, and it is hereby, authorized and directed to waive the limitation for filing claim for compensation in the case of John Kelly, father of Elizabeth R. Kelly, a nurse in the United States Public Health Service, who contracted tuberculosis while employed at the United States Marine Hospital, Buffalo, N. Y., in 1928, and died of said disability on June 17, 1929.

With the following committee amendments:

Strike out all after the enacting clause and insert the following: "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, are hereby waived in favor of John Kelley, father of Ruth Rita Kelley, who died on June 17, 1929, as a result of pulmonary tuberculosis allegedly contracted while a civil employee of the United States in the Public Health Service: *Provided,* That no benefits shall accrue prior to the approval of this act."

Amend the title of the bill so as to read: "A bill for the relief of John Kelley."

The amendments were agreed to.

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

The title of the bill was amended.

A motion to reconsider was laid on the table.

MRS. OLIN H. REED

The Clerk called the next bill, H. R. 4146, for the relief of Mrs. Olin H. Reed.

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

A bill for the relief of Mrs. Olin H. Reed

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 Mrs. Olin H. Reed, of McAlester, Okla., the sum of \$10,000. Such sum shall be in full settlement of all claims against the United States on account of the death of Olin H. Reed, the husband of the said Mrs. Olin H. Reed, who, at the request of the officers of the Federal Government, accompanied them and assisted in the apprehension and arrest of one Frank Nash; and the said Olin H. Reed, together with others of the Federal officers, were slain at Kansas City, Mo., on June 15, 1933, by forces of gangdom attempting the release of the prisoner, Frank Nash.

With the following committee amendments:

Page 1, line 6, strike out "\$10,000" and insert in lieu thereof "\$5,000."

Page 2, line 2, strike out the figure "15" and insert in lieu thereof the figure "17."

Page 2, line 3, after the word "Nash", insert a colon and 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 amendments were agreed to.

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

SETTLEMENT OF INDIVIDUAL CLAIMS

The Clerk called the next bill, H. R. 4800, to authorize the settlement of individual claims for personal property lost or damaged, arising out of the activities of the Civilian Conservation Corps, which have been approved by the Secretary of War.

The SPEAKER. Is there objection to the immediate consideration of the bill?

There being no objection the Clerk read a similar Senate bill (S. 553) as follows:

An act to authorize the settlement of individual claims for personal property lost or damaged, arising out of the activities of the Civilian Conservation Corps, which have been approved by the Secretary of War

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 Kenneth R. Betts, Chillicothe, Ohio, \$14.45; Frank W. Brunner, Springfield, Ill., \$38.55; W. J. Conley, Dunsmuir, Calif., \$99.80; H. B. Clifton, Savanna, Ill., \$60.75; Frank E. Daley, Severna Park, Md., \$84.70; Mazie J. Donaldson, Oakland, Calif., \$49.10; F. T. H. Kelley, Thompson, Conn., \$7.10; Meriam H. Lyter, Williamsport, Pa., \$5; Robert E. Patnaude, Deer River, Minn., \$25; Van's Battery and Electric Co., Inc., Green Bay, Wis., \$92.28; and Earl W. Williams, Bennington, Vt., \$15.35, in full settlement for damages sustained by reason of the operation of the Civilian Conservation Corps in which claims have been approved by 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 bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider and a House bill (H. R. 4800) were laid on the table.

MATTHEW E. HANNA

The Clerk called the next bill, H. R. 4817, for the relief of Matthew E. Hanna.

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

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the sum of \$921 to cover a disallowance in the accounts for the month of March 1931 of Matthew E. Hanna, former American minister to Nicaragua, for the loss of consular fee stamps suffered by him as the result of an earthquake and fire which destroyed the American Legation Building and its contents on March 31, 1931.

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

REIMBURSEMENT OF CERTAIN ENLISTED MEN

The Clerk called the next bill, H. R. 4844, to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects lost, damaged, or destroyed by fire at the naval radio station, Eureka, Calif., on January 17, 1930.

There being no objection, the Clerk read the bill, 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 \$266, or such portion as may be necessary, to enable the Secretary of the Navy to reimburse, under such regulations as he may prescribe, enlisted men and former enlisted men of the Navy for the value of personal effects lost, damaged, or destroyed as a result of a fire which destroyed a building at the naval radio station, Eureka, Calif., on January 17, 1930:

With the following committee amendment:

Page 2, line 2, after the figures "1930", insert a colon and 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 committee amendment was agreed to.

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

WILLIAM KEMPER

The Clerk called the next bill, S. 282, for the relief of William Kemper.

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

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to William Kemper out of any money in the Treasury not otherwise appropriated the sum of \$600 in full settlement of all claims against the Government for expenses incurred incident to injuries sustained by his son, Irwin Kemper, a minor, in an accident involving a United States mail truck, March 21, 1932.

With the following committee amendments:

Page 1, line 5, strike out "\$600" and insert in lieu thereof "\$891.98."

In line 9 after the figures "1932", insert a colon and 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 ap-

propriated 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."

SETTLEMENT OF CERTAIN CLAIMS

The Clerk called the next bill, S. 559, to authorize settlement, allowance, and payment of certain claims.

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

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the following claims and certify the same to Congress:

(a) R. D. Jacques in the amount of \$3,332.15 for damage to his furniture, clothing, and effects, and \$6,862.50 for damage to his house; Rudolph J. Gasser, \$2,841.51 for damage to his household goods, wares, merchandise, and personal belongings, these three claims being the result of an airplane accident at Chicago, Ill., on April 30, 1932, when an Army airplane piloted by Second Lt. Charles A. Fargo, Air Corps Reserve, on an authorized flight, crashed into the house of Mr. Jacques, killing the pilot and his passenger and setting fire to the building in which the claimants were then living.

(b) Catalina Portugal de Marino, for damages in the amount of \$1,000 due to the death of her husband, Ramon Marino, who was killed by the propeller of an Army airplane while assisting in releasing the plane from the mire at Legaspi, Philippine Islands, on January 10, 1932.

(c) W. H. Williamson, Paulsboro, N. J., for damages in the amount of \$20.69 to bread and pastries due to sand and water from the body of a soldier drowned in the Delaware River at Penns Grove, N. J., on July 1, 1931, which was transported in claimant's wagon at the request of an Army sergeant, as an emergency measure, to the nearest medical aid in an effort to save life.

(d) Corp. Joseph R. Burdett, \$30, and Pvt. (1st cl.) J. S. Boehn, \$50, for loss of shotguns, private property of the claimants, which were stolen from a storeroom of the Quartermaster Detachment where they had been impounded as the result of an order issued by the Post Commander, Fort McKinley, Philippine Islands.

(e) Pittsburgh Steamship Co., Cleveland, Ohio, in the amount of \$3,368.61 for damages on account of the collision of its steamer *B. F. Affleck* with the Government dredge *General G. G. Meade*, in the St. Marys River near Rains Island on August 29, 1932: *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 was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JAY STREET TERMINAL, NEW YORK

The Clerk called the next bill, S. 563, for the relief of the Jay Street Terminal, New York.

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

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust, settle, and certify to Congress the claim of the Jay Street Terminal in the sum of \$1,097, on account of damages suffered by reason of a collision with the claimant's bulkhead by the United States Army mine planter *General E. O. C. Ord*, in the East River, on or about September 3, 1929.

Mr. COSTELLO. Mr. Speaker, I offer the usual attorney-fee amendment.

The Clerk read as follows:

At the end of the bill 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."

The amendment was agreed to.

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

RIO GRANDE SOUTHERN RAILROAD CO.

The Clerk called the next bill, S. 1053, authorizing adjustment of the claim of the Rio Grande Southern Railroad Co.

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

Mr. TRUAX. Mr. Speaker, I object.

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

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of the Rio Grande Southern Railroad Co. for reimbursement of its expenditures for labor and expenses in repairing the damages to the Western Union telegraph line on its right-of-way at milepost no. 85 (between Dolores and Rico, Colo.) and between mileposts nos. 94 and 96 (near Stapleton, Colo.), which line was damaged in 1931 by the blasting during the Government's construction of the Dolores-Rico Forest highway project in Colorado, and to allow in full and final settlement of said claim not to exceed the sum of \$23.01. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$23.01, or so much thereof as may be necessary to pay said claim.

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

PENNSYLVANIA RAILROAD CO.

The Clerk called the next bill, S. 1057, authorizing adjustment of the claim of the Pennsylvania Railroad Co.

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

Mr. TRUAX. Mr. Speaker, I object.

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

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of the Pennsylvania Railroad Co. for the cost of repairing the damages to freight car no. 89713 (owned by the Central Railroad of New Jersey) which were caused by an accident due to condition of Government-owned rails or roadbed while such car was in the Government's care and custody, and to allow in full and final settlement of said claim not to exceed the sum of \$468.82. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$468.82, or so much thereof as may be necessary, to pay said claim: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or 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 was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VIRDEN THOMPSON

The Clerk called the next bill, H. R. 1368, for the relief of Virden Thompson.

The SPEAKER pro tempore (Mr. O'CONNOR). Is there objection to the present consideration of the bill?

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

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Virden Thompson, who was a member of Troop E, Second Regiment United States Cavalry, also member of the band of the same regiment, 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 June 28, 1899: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

CHARLES L. GRAVES

The Clerk called the next bill, H. R. 4372, for the relief of Charles L. Graves.

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

Mr. TRUAX. Mr. Speaker, I object.

The SPEAKER pro tempore. There being no further objection, the Clerk will report the bill.

There being no objection, the Clerk reported a similar Senate bill (S. 1502), as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, directed to allow credit in the accounts of Charles L. Graves, superintendent and special disbursing agent at Jicarilla Agency, N. Mex., for payments aggregating \$51,277, made from tribal funds of the Jicarilla Indians to various persons in connection with the purchase of sheep for issue to various members of the tribe, to which payments exception was taken by the General Accounting Office for the reason, as claimed, that there was no authority of law therefor.

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

House bill (H. R. 4372) was laid on the table.

BRUNO TARZIO

The Clerk called the next bill, H. R. 420, for the relief of Bruno Tarzio.

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

There being no objection, the Clerk read the bill, 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 moneys not otherwise appropriated, the sum of \$275 in full settlement of all claims against the Government of the United States, to Bruno Tarzio, which sum represents a loss sustained when check was confiscated by the United States Government and deposited to the credit of miscellaneous receipts in the Treasury of the United States.

With the following committee amendments:

On page 1, line 4, after the word "moneys", insert the words "in the Treasury"; and on page 1, line 10, after the words "United States", insert a colon and 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, attorneys 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 committee amendments were agreed to.

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

ELTON FIRTH

The Clerk called the next bill, H. R. 846, for the relief of Elton Firth.

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

Mr. BLAND. Mr. Speaker, I ask unanimous consent to substitute the Senate bill, S. 728, for the House bill, although the Senate bill is not identical in its terms with the House bill, and if permitted I would be pleased to explain the Senate bill.

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

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

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Elton Firth, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000 in full payment of personal injuries sustained as a result of the explosion of a bomb dropped by a United States naval airplane near Plum Tree Point, York County, Va., on November 11, 1931, and that Elton Firth shall be admitted to such naval hospital as may be directed by the Chief of the Bureau of Medicine and Surgery of the Navy Department for necessary care and treatment: *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 was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 846) was laid on the table.

THOMAS J. GOULD

The Clerk called the next bill, H. R. 1315, for the relief of Thomas J. Gould.

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

There being no objection, the Clerk read the bill, 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 \$398.80 to Thomas J. Gould, clerk of the post office at Kansas City, Mo., to reimburse him for funds lost through the cashing of forged money orders in September 1923.

With the following committee amendments:

On page 1, line 7, after the word "Missouri", strike out the words "to reimburse him" and insert in lieu thereof "in full settlement of all claims against the Government of the United States" and on page 1, line 10, after the figures "1923", insert a colon and 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 committee amendments were agreed to.

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

WILLIAM SEADER

The Clerk called the next bill, H. R. 2122, for the relief of William Seader.

There being no objection, the Clerk read the bill, 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 Seader, of San Diego, Calif., the sum of \$863.75 in full settlement of all claims against the Government of the United States for reimbursement to him on account of money expended by him for transportation, services of registered nurse, hospital expenses, and doctor's fee for disability incurred in line of duty in the United States Navy: *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 was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEORGE WILLIAM HENNING

The Clerk called the next bill, H. R. 2125, for the relief of George William Henning.

There being no objection, the Clerk read the bill, 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 \$3,000 to George William Henning in full settlement of all his claims against the Government of the United States for injuries received by him on the 14th day of March 1932, when an automobile, being driven by him in a lawful manner, was run into by an ambulance owned by the Navy Department of the United States, then and there being operated by one W. Thomas, a member of the United States Marine Corps, in a negligent and reckless manner.

With the following committee amendment:

At the end of the bill 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."

The committee amendment was agreed to.

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

EVA S. BROWN

The Clerk called the next bill, H. R. 2553, for the relief of Eva S. Brown.

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

Be it enacted, etc., That the United States Employees' Compensation Commission be, and is hereby, authorized to consider and determine, in the same manner and to the same extent as if application for the benefits of the Employees' Compensation Act had been made within the 1-year period required by sections 17 and 20 thereof, the claim of Eva S. Brown, on account of disability due to chronic bronchitis alleged to have been proximately caused by her employment in the service of the United States between October 13, 1921, and November 30, 1927: *Provided,* That no benefits shall accrue prior to the enactment of this act.

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

E. W. TARRANCE

The Clerk called the next bill, H. R. 2987, for the relief of E. W. Tarrence.

There being no objection, the Clerk read the bill, 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 E. W. Tarrence, former postmaster at Llano, Tex., the sum of \$313.52 to reimburse him for the amount of postal funds lost as a result of the failure of the Llano National Bank of Llano, Tex.

With the following committee amendments:

Page 1, line 7, strike out the words "to reimburse him" and insert "in settlement of all claims against the Government of the United States."

Page 1, line 10, after the word "Texas", insert "*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 committee amendments were agreed to.

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

WILLIAM E. SMITH

The Clerk called the next bill, H. R. 3073, for the relief of William E. Smith.

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

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to William E. Smith, owner in fee simple of a residence located in Fox Hill, Chesapeake Magisterial District, Elizabeth City County, Va., out of any money in the Treasury not otherwise appropriated, the sum of \$5,060 in full settlement of loss and damages to said residence, resulting from an airplane owned and operated by the United States Army Air Corps striking and passing through the said residence on October 31, 1934, without any fault or negligence of the said William E. Smith.

With the following committee amendments:

Page 1, line 8, strike out "\$5,060" and insert in lieu thereof "\$4,564"; and after the word "of" in line 8, page 1, insert "all claims against the Government of the United States for"; and on page 2, after line 2, 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, attorneys 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 and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

THOMAS ENCHOFF

The Clerk called the next bill, H. R. 4029, for the relief of Thomas Enchoff.

There being no objection, the Clerk read the bill, 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, are hereby waived in favor of Thomas Enchoff, who is alleged to have suffered injuries on or about January 1924 while in the performance of his duties as an employee of the United States Indian Service, at Crow Agency, Montana: *Provided*, That no benefit shall accrue prior to the approval of this act.

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

RICHARD SZYMANSKI

The Clerk called the next bill on the Private Calendar, H. R. 4034, for the relief of Richard Szymanski.

There being no objection, the Clerk read the bill, 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, the sum of \$572 for injuries incurred by his infant son when struck by an Army truck on January 16, 1934, at Alenceana and Wolfe Streets, Baltimore, Md.

With the following committee amendments:

On page 1, line 4, after the word "pay", insert the words "to Charles Szymanski."

Page 1, line 5, strike out the word "funds" and insert the word "money."

Page 1, line 6, strike out the sum "\$572" and insert "\$172 in full settlement of all claims against the Government of the United States."

Page 1, line 8, after the word "son", insert "Richard Szymanski."

Page 1, line 10, 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."

The committee amendments were agreed to.

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

The title was amended.

ADELPHIA BANK & TRUST CO. OF PHILADELPHIA

The Clerk read the next bill on the Private Calendar, H. R. 4805, authorizing adjustment of the claim of the Adelphia Bank & Trust Co. of Philadelphia.

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

A bill authorizing adjustment of the claim of the Adelphia Bank & Trust Co. of Philadelphia

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed

to settle and adjust the claim of the Adelphia Bank & Trust Co. of Philadelphia for refund of a fee of 1 percent collected by the clerk of the United States District Court for the Eastern District of Pennsylvania on \$85,000, the face value of securities temporarily deposited by said company with the clerk pending the filing of an increased surety bond required by the court from the bank as depository of funds in bankruptcy estates, said fee having been covered into the general fund, Treasury of the United States, as a miscellaneous receipt, and to allow said claim in an amount not to exceed \$850. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$850, or so much thereof as may be necessary, for the payment of this claim, such sum to be in full settlement of all claims against the Government of the United States: *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 was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider the vote was laid on the table.

FRANK SPECTOR

The Clerk called the next bill on the Private Calendar, H. R. 4806, authorizing adjustment of the claim of Frank Spector.

There being no objection to the consideration of the bill and no objection to the substitution of the Senate bill, the Clerk read S. 1055, as follows:

An act authorizing adjustment of the claim of Frank Spector

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and adjust a claim of Frank Spector for refund of a deposit of \$1,700 made in connection with the purchase of certain surplus property at an auction sale held February 9, 1922, at the Philadelphia Quartermaster Depot, and to allow in full and final settlement of all claims arising out of the transaction the sum of not to exceed \$1,700. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,700, or so much thereof as may be necessary, to pay said claim: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or 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 was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RICHMOND, FREDERICKSBURG & POTOMAC RAILROAD CO.

The Clerk read the next bill on the Private Calendar, H. R. 4808, for the relief of the Richmond, Fredericksburg & Potomac Railroad Co.

The SPEAKER pro tempore. Is there objection?

Mr. TRUAX. I object.

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

A bill for the relief of the Richmond, Fredericksburg & Potomac Railroad Co.

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to pay to the Richmond, Fredericksburg & Potomac Railroad Co., out of the appropriation "Public Works, Bureau of Yards and Docks", the sum of \$32,362.24, being one-half of the sum paid out and expended by said railroad company in constructing the railroad bridge over the relocated channel of Chappawamsic Creek, near Quantico, Va.: *Provided*, That payment to and the receipt by the said railroad company of the sum herein authorized to be paid shall be in full settlement of any and all claims and demands against the Government of the United States on account of the construction of said bridge: *Provided further*, That no part of the amount authorized to be paid by 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 authorized to be paid by 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 was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEORGE W. MILLER

The Clerk called the next bill on the Private Calendar, H. R. 4811, for the relief of George W. Miller.

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

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 Chief Pay Clerk George W. Miller, a special disbursing agent of the Coast Guard, with the sum of \$27.60, such amount representing the sum disbursed by him and disallowed by the General Accounting Office in notice of exception issued July 26, 1934, voucher no. 462.

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

MRS. CARLYSLE VON THOMAS, SR.

The Clerk read the next bill on the calendar (H. R. 4812) for the relief of Mrs. Carlysle Von Thomas, Sr.

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

Be it enacted, etc., That the Secretary of the Navy is hereby authorized and directed to pay, out of the Naval Hospital fund, to Mrs. Carlysle Von Thomas, Sr., the sum of \$168 to reimburse her for money paid by her for nurse services for her son, Carlysle Von Thomas, Jr., yeoman, third-class (F-1), United States Naval Reserve, incident to an operation for appendicitis performed on August 8, 1931, at Saint Luke's Hospital, Chicago, Ill., while Von Thomas was on active duty.

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

LT. COL. RUSSELL B. PUTNAM

The Clerk called the bill H. R. 4814, for the relief of Lt. Col. Russell B. Putnam, United States Marine Corps.

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

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Lt. Col. Russell B. Putnam, United States Marine Corps, in the amount of \$235.40, which amount represents payments made to First Lt. Walter W. Wensinger, United States Marine Corps, for actual and necessary expenses in connection with orders of the United States Marine Corps, dated October 2 and October 14, 1931.

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

L. E. GEARY

The Clerk called the bill, H. R. 4831, for the relief of L. E. Geary.

The SPEAKER pro tempore. Is there objection?

Mr. TRUAX. Mr. Speaker, I object.

The SPEAKER pro tempore. Only one objection is made.

The Clerk will report the bill.

The Clerk read the bill, 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 appropriation "New vessels for Indian Service, Alaska, emergency construction", contained in the First Deficiency Act, fiscal year 1931 (46 Stat. 1070), the sum of \$420 to L. E. Geary, of Seattle, Wash., in full settlement of his claim against the Government for services rendered in preparing preliminary plans and estimates for a new ship for use in Alaska by the Indian Service.

With the following committee amendment:

Line 11, strike out the period, insert a colon, and 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 not-

withstanding. 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 committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SANFORD A. McALISTER AND ELIZA L. McALISTER

The Clerk called the bill (S. 1037) authorizing adjustment of the claims of Sanford A. McAlister and Eliza L. McAlister.

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

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claims of Sanford A. McAlister and Eliza L. McAlister, for the 6 months' death gratuity as provided under the act of December 17, 1919 (41 Stat. 367), as extended to Reserve officers flying the air mail, by the act of March 27, 1934 (48 Stat. 508), in connection with the death April 5, 1934, of John Leland McAlister, late second lieutenant, Air Corps Reserve, and to allow in full and final settlement of said claims an amount not in excess of \$506.25 to each claimant, payable under the appropriation available for payment of the 6 months' death gratuity in the case of Air Corps Reserve officers under the act of March 27, 1934.

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

WEST INDIA OIL CO.

The Clerk called the bill (S. 1039) authorizing adjustment of the claim of the West India Oil Co.

There being no objection, the Clerk read the bill, 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 adjust the claim of the West India Oil Co. for the rescue at sea of Privates Solomon H. Churchill and John J. Callahan, members of Battery B, First Coast Artillery, Fort Randolph, Canal Zone, and to allow, in full and final settlement of said claim, an amount not in excess of \$123.33. An appropriation of \$123.33, or so much thereof as may be necessary, is hereby made from any funds in the Treasury not otherwise appropriated for payment of the claim.

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

SCHUTTE & KOERTING CO.

The Clerk called the bill (S. 1056) authorizing adjustment of the claim of Schutte & Koerting Co.

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

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of Schutte & Koerting Co., under contract NO-2018, dated December 27, 1926, for certain experimental work in the manufacture of valves for submarines, and to allow not to exceed \$7,337.10 in full and final settlement of said claim. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$7,337.10, or so much thereof as may be necessary, for payment of said claim: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or 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 was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CERTAIN DISBURSING OFFICERS OF THE ARMY

The Clerk called the bill (S. 1302) for the relief of certain disbursing officers of the Army, and for other purposes.

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

Be it enacted, etc., That the Comptroller General be, and he is hereby, authorized and directed to allow credit in the accounts of any disbursing officer of the Army for any payment heretofore made by him to the following-named officers and former officers of the United States Army based upon a credit for their services as cadets at the United States Military Academy and to remove any direct charge against any such persons on account of such payments: DeRosey C. Cabell, Thomas McF. Cockrill, James N. Caperton, Junius H. Houghton, Otto F. Lange, Paul B. Parker, James DeB. Walbach, and Victor W. B. Wales: *Provided,* That any

amounts previously recouped to the United States on account of payments to the above officers based upon credit for service as a cadet at the United States Military Academy shall be refunded out of current appropriations.

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

JACK PAGE

The Clerk called the bill (H. R. 298) for the relief of Jack Page.

The SPEAKER pro tempore. Is there objection?

Mr. TRUAX. Mr. Speaker, I object.

The SPEAKER pro tempore. Only one objection. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Jack Page shall hereafter be held and considered to have enlisted in Company M, First Regiment Alabama Volunteer Infantry, on May 1, 1898, and to have served until honorably discharged as a member of that organization on November 1, 1898, and that the Secretary of War is authorized and directed to issue to said Jack Page an honorable discharge from said unit, which shall recite that such service was rendered from May 1 to November 1, 1898: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

COL. WILLIAM L. KELLER

The Clerk called the bill (H. R. 3158) to give proper recognition to the distinguished services of Col. William L. Keller.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HILL of Alabama. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 2024, be substituted. The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk reported the Senate bill, as follows:

Be it enacted, etc., That in recognition of the outstanding service and contribution made to the science of medicine and surgery by Col. William L. Keller, Medical Corps, United States Army, and to provide that his mature professional judgment and long experience may continue to remain available to the public service, the President is hereby authorized to designate the said Col. William L. Keller, upon his retirement from the active list, as consultant in surgery at the United States Army Medical Center (Walter Reed Hospital), Washington, D. C.: *Provided*, That such designation shall be subject to the said Col. William L. Keller's acceptance and terminable at his pleasure; and it is further provided that he shall be entitled to the full active-duty pay and allowances of the grade held by him at the time of his retirement.

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

A similar House bill was laid on the table.

ANDREW AMSBAUGHER

The Clerk called the bill (H. R. 2528) for the relief of Andrew Amsbaugh.

Mr. COSTELLO and Mr. TRUAX objected, and the bill was recommitted to the Committee on Military Affairs.

RAYMOND A. WOLF

The Clerk called the bill (H. R. 2532) for the relief of Raymond A. Wolf.

Mr. TRUAX and Mr. DRISCOLL objected, and the bill was recommitted to the Committee on Military Affairs.

JOSEPH GAYTON

The Clerk called the bill (H. R. 5192) for the relief of the rightful heir of Joseph Gayton.

There was no objection, and by unanimous consent a similar Senate bill (S. 1414) was substituted, which the Clerk 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, to Jean Marcella Mentz Gayton (now Wicks), the rightful heir of Joseph Gayton, deceased Sioux allottee no. 1724 of the Standing Rock Agency in North Dakota, as determined by the Secretary of the Interior pursuant

to existing law, the sum of not to exceed \$4,400.25: *Provided*, That the Secretary of the Interior may deposit the said sum to the credit of the said heir and handle it in the same manner as other individual Indian moneys: *Provided further*, That not to exceed 5 percent of this amount shall be paid to any attorney or attorneys, for services rendered in this case: *And provided further*, That should the person herein named be not living upon the date of the passage of this act the said sum shall be credited to and become a part of her estate.

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

A similar House bill was laid on the table.

CLETUS F. HOBAN

The Clerk called the next bill, H. R. 1703, for the relief of Cletus F. Hoban.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits under the United States Employees' Compensation Act the statute of limitation be, and is hereby, waived in order to consider the claim for compensation on account of disability alleged to have been the result of injury received by Cletus F. Hoban on January 11, 1932, when said claimant was in the performance of duty as conferee in the Internal Revenue Service.

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That sections 15 to 20, inclusive, 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, are hereby waived in favor of Cletus F. Hoban on account of disability alleged to have been incurred while a civil employee of the United States in the Internal Revenue Service at Los Angeles, Calif.: *Provided*, That no benefits shall accrue prior to the approval of this act."

The committee amendment was agreed to.

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

HENRY DINUCCI

The Clerk called the next bill, H. R. 1864, for the relief of Henry Dinucci.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Henry Dinucci, out of any money in the Treasury not otherwise appropriated, the sum of \$500 as reimbursement of cash bail deposited with former United States Commissioner Arthur G. Fisk at San Francisco, Calif., and misappropriated by said official.

With the following committee amendments:

Page 1, line 6, strike out "as reimbursement of" and insert in lieu thereof "in full settlement of all claims against the Government of the United States for."

Line 10, after the word "official", insert a colon and 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 in 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 committee amendments were agreed to.

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

WILLIAM H. AMES

The Clerk called the next bill, H. R. 3596, for the relief of William H. Ames.

Mr. TRUAX and Mr. COSTELLO objected, and the bill, under the rule, was recommitted to the Committee on Claims.

ANNA W. AYER

The Clerk called the next bill, H. R. 3599, for the relief of Annie M. Ayer.

The SPEAKER pro tempore (Mr. O'CONNOR). Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. Without objection, a similar Senate bill (S. 896) will be substituted.

There being no objection, the Clerk read the Senate bill, 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 Anna W. Ayer, widow of Capt. Asa G. Ayer, deceased, the sum of \$500. Such sum represents the amount of a cash bond forfeited on June 3, 1920, by Capt. Asa G. Ayer for failure to appear as a material witness in the case of United States against H. W. Coffin in the United States District Court for the District of Maine, sitting at Bangor, Maine, such failure to appear being caused by his necessary and unavoidable absence from the United States at such time: *Provided*, That the amount of the forfeited bond has actually been covered into the Treasury: *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.

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

House bill (H. R. 3599) was laid on the table.

JASPER DALEO

The Clerk called the next bill, H. R. 4815, for the relief of Jasper Daleo.

There being no objection, the Clerk 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, the sum of \$98.80 to Jasper Daleo, as reimbursement for fishing equipment lost while giving his attention to the rescue of a Navy aviator who had been forced to alight with a parachute in the Pacific Ocean, near La Jolla, Calif.

With the following committee amendments:

Line 6, page 1, strike out "as reimbursement" and insert in lieu thereof "in full settlement of all claims against the Government of the United States."

Line 11, after the word "California", insert a colon and 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 committee amendments were agreed to.

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

DISBURSING OFFICERS OF THE ARMY

The Clerk called the next bill, H. R. 4838, for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Capt. K. W. Slauson, Quartermaster Corps, \$225.07; Capt. H. M. Denning, Finance Department, \$4; Maj. S. R. Beard, Finance Department, \$5.63; and Maj. George Z. Eckels, Finance Department, \$16.92, said amounts being public funds for which they are accountable and which comprise minor errors in computation of pay and allowances due military personnel who are no longer in the service of the United States, and which amounts have been disallowed by the Comptroller General of the United States.

Sec. 2. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts to Maj. J. B. Harper, Finance Department, \$24,882, said amount being public funds for which he is accountable and which represents payment made to the Westinghouse Electric & Manufacturing Co. for electric ranges purchased under specific instructions of the Secretary of War and which amount was disallowed by the Comptroller General of the United States.

Sec. 3. 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 R. N. Walker & Co., Nagasaki, Japan, \$74.35, being the amount due this company for storage charges for the period June 7, 1930, to October 19, 1930, on household goods

of an officer of the Army in transit to his new station in the United States.

Sec. 4. 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 W. E. Howard, Island Park, N. Y., \$880, being the amount found due him as damages to his property at Island Park, N. Y., by reason of an Army airplane crash on September 8, 1933.

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

GERMANIA CATERING CO., INC.

The Clerk called the next bill, S. 41, for the relief of the Germania Catering Co., Inc.

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

Mr. TRUAX. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER pro tempore. The Chair will not recognize the gentleman for that purpose.

Mr. TRUAX. Then I make the point of order that there is not a quorum present.

The SPEAKER pro tempore. The Chair will count.

Mr. KVALE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. KVALE. Could such a point of order at this time be regarded as dilatory?

The SPEAKER pro tempore. Not the first time.

Mr. IGEO. Will the gentleman withhold his point of no quorum for a moment until I may prefer a unanimous-consent request?

Mr. TRUAX. I withhold the point of no quorum for the moment.

MEMORIAL ADDRESS

Mr. IGEO. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by incorporating an address delivered by our colleague the gentleman from Massachusetts [Mr. CASEY].

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. MOTT. Reserving the right to object, is that in connection with the same matter in which the gentleman from Illinois [Mr. DIRKSEN] asked to extend his remarks and was denied the privilege?

Mr. IGEO. No. This has to do with an address delivered by our colleague [Mr. CASEY] at the Tomb of the Unknown Soldier.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. IGEO. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following memorial address of Hon. JOSEPH E. CASEY (Democrat), of Massachusetts, delivered at the Tomb of the Unknown Soldier of the Civil War, Arlington Cemetery, Washington, D. C., Sunday, May 5, 1935:

We are met here today at this hallowed shrine, dedicated to the unknown dead of the Civil War, for the purpose of paying our respects to the veterans of that war who have passed on.

The presence of you men, veterans of the Grand Army of the Republic, who, at great personal sacrifice, have come here to assist in these ceremonies for your departed comrades is particularly touching. I think that one of the sweetest sentiments that comes to mankind is the thought that the spirits of those whom we knew and loved hover near us and look down with tender and approving eyes upon our good deeds. If this be so, then what a heartening message you venerable men send to them—the knowledge that, through all these years, they still live in your remembrances of their affections and their virtues.

The War between the States we now see as a terrible misfortune. I blame here and now no man and no policy for it; I will not say that it was the fault of one man, or one region of the country, or one party more than the other. How appalling it was. What a pity it was that men—brother Americans—rejected opportunities of reconciliation. What hot-tempered speeches were made—all to show how extreme and intrepid an advocate the speaker could be of the extreme northern sentiment or the extreme southern sentiment. And out of these utterances two separate opinions were molded, sectional hatreds were inspired, and a bloody war the result.

The statesmen of that day erred. War was the result. A war that inspired Sherman to exclaim, "War is hell", and Grant to utter, "There never was a good war or a bad peace."

We of this generation cannot censure the leaders of their generation. We had the advantage of their experience and yet since that war this country of ours has engaged in two major conflicts, the last of which was fought as a war to end wars.

Who can say that we are any nearer peace today than we were in 1861? Have we any definite assurance that the time will not arrive when men, by the use of the radio, the press, and by beating on a piece of pigskin, and blowing on a tin horn, will arouse us to a pitch of emotional instability plunging us into a war even more horrible than the last? Some of you may say that there must be some wars that are right and proper. I say that all wars seem right when they begin. It is only after they are over and calm reason returns that we appreciate their utter futility. It is my sincere hope that this great country of ours will not engage in another war unless it is forced upon us and leaves us with no choice except to defend ourselves with honor.

These men whose memories we honor here today were not statesmen. They had no part in the events leading up to war. No man can point an accusing finger of suspicion at their sincerity or impugn their motives. They fought for the right as they saw it. Like knight errants of old they went forth to battle and threw all that men hold dear—including life itself—like a flower at the feet of their country and their country's cause.

It is a matter of no small personal pride that three of these men whose memories we honor were my kinsmen. Men who bore the name of Casey—I see in this gathering Michael Casey, whose father, Michael Casey, whose grandfather, Mathew Casey, Sr., and whose uncle, Mathew Casey, Jr., were veterans of the Civil War.

If there are those among you who harbor the thought that these members of the clan of Casey entered this conflict because they just couldn't resist the opportunity for a fight, then I resent slightly, this soft impeachment. They were men who had experienced the heel of the oppressor in their native land. They had tasted of the liberties of this their adopted country. They knew that this was a land that offered more freedom to the individual than any other government on the face of God's green earth, and they went forth to preserve a Government they dearly loved.

These men of another generation met the issue bravely and courageously. May we find inspiration in their memory to meet the issues of today as unflinchingly. The flag of a free country does not take care of itself. Whether it shall command respect or not is to be determined by the quality of a nation's life. It rests with all the people. Those who fought to preserve our liberties and our Government are no longer with us. The great trust now descends to our hands. Let us cultivate a true spirit of union and harmony. Let us discharge the sacred obligations which devolve upon us in such a manner that when our time comes to pass this banner into another generation's keeping, it will then as now, be the badge of worth as well as power.

THE GUFFEY-SNYDER COAL BILL

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

The SPEAKER. Is there objection?

There was no objection.

Mr. FADDIS. Mr. Speaker, I could not preface my remarks upon this piece of legislation in more able language than that used by Senator GUFFEY in his statement at the beginning of the hearings before the Committee on Interstate Commerce of the United States Senate, in which he said:

Mr. Chairman and gentlemen of the committee, the legislation provided in this bill, in my opinion, will save the bituminous-coal industry of this Nation.

I believe I know something about this industry. I was raised in the heart of the bituminous coal regions of the State of Pennsylvania, and I personally know many of the operators who have engaged in the business. I also have personally seen the struggles of the miners to obtain some semblance of steady employment at wages which might permit them to live in accordance with those American standards of living to which all of our people aspire. The operators have been faced with overproduction and its resulting cutthroat competition, which, in turn, has brought ruin to them and their associate investors. The workmen and their families have suffered and starved. The desolation of their homes has all too often been most pitiable.

In my judgment, this legislation will eliminate these conditions in that it will enable the owners of and the investors in bituminous mines to obtain a fair return on their investments; it will benefit those who labor in and about the mines through the payment of fair wages and the granting of improved working conditions. In addition, it will protect the consumers against unreasonable prices and assure them of an ample supply of coal at all times. It will also result in the conservation of bituminous-coal resources for the use of future generations and the Nation itself in time of need.

This bill is of no mushroom growth, but is the natural result of the findings, reports, and recommendations of various commissions, and of prior legislation introduced upon the subject. The United States Coal Commission, appointed

during the administration of President Harding, wound up its report with the following statement:

It is this indispensable service which the coal mines perform that give the large social service, both to the property and to its product; and in turn that social service, in effect, grants to the public an interest in that use which creates a demand for public control.

In 1928 the bituminous coal situation became so desperate that an investigation was demanded by the United Mine Workers of America; which was held by the Interstate Commerce Committee of the United States Senate. The deplorable conditions of the industry were exposed and remedial legislation was introduced but came to naught. In 1932 the Davis-Kelly coal bill was introduced. While it was pending the N. R. A. was passed, which undoubtedly helped the industry. In 1934 President Roosevelt created the National Resources Board. Its findings and reports concerning bituminous coal served to confirm former investigations. Upon this report, former reports, findings, recommendations, and other similar legislation the Guffey-Snyder coal bill was based.

The bituminous-coal mining industry is perhaps the most overmanned of any of our industries. The labor connected with it comprises almost every known nationality. Coal is an exceedingly bulky commodity and does not lend itself readily to stocking or storing and, being generally consumed as mined, is therefore particularly subject to seasonal and economic fluctuations. Those of our commodities produced by mining are the most difficult to procure. Crops, lumber, textiles, and meat are produced with much more ease than is coal. Let it be remembered that the labor item in producing coal is 65 percent of the cost of the product, as against 23 percent in manufacturing. This high labor item, combined with the cutthroat competition, easily explains the labor strife which has always been associated with the industry. With an oversupply of labor and a continual buyers' market, high fixed charges, and enormous initial investment, what chance has the miner in an unregulated industry? No wonder they are the most exploited class of workers in the Nation.

Our bituminous-coal mines fall under two general classifications: Captive mines and independent mines. Captive mines are those owned and operated as integral parts of manufacturing operations or power companies. The owners of the captive mines objected to their mines being included under the provisions of this act. One of the purposes of this legislation is to better the condition of the coal miners. It requires just as much labor to produce a ton of coal in a captive mine as in any other. It costs just as much to maintain a family, whether the miner works in a captive or a commercial mine. Commercial mines are those which sell coal on the open market.

Some 40 years ago those interested in bituminous coal mining acquired extensive acreages of coal lands. The price per acre ran in some instances into several thousands of dollars. Interest and taxes have weighed heavily upon these investments. Coal in the ground can yield no return. The World War created an unusual demand for coal, which encouraged the opening of many new mines, with expensive equipment. A coal mine is an expensive plant to maintain in idleness. The sulphurous water causes the equipment to deteriorate rapidly; therefore the mine must be continually pumped. The heavy initial investment and the high overhead have encouraged the opening of new mines and the continued operation of those already open in hopes of at least earning taxes, interest, and overhead. The result has been a highly competitive industry with low wages, poor working and living conditions, financial uncertainty, with much industrial strife as the inevitable consequence.

To anyone acquainted with the conditions surrounding coal mining, it is surprising that there has not been even more turbulence. Certainly the conditions surrounding the life of the average miner are far from being inspiring. The average coal-mining town is unlovely, insanitary, and uncomfortable. Row upon row of drab houses, cheaply constructed and similar in design, perched upon bleak hillsides,

exposed to the sulphurous smoke of burning slate dumps or open coke ovens, streets unimproved and sidewalks unknown.

Sporadic employment in the bowels of the earth, exposed to constant danger. Catastrophes which snuff out hundreds of lives. Frantic crowds of women and children gathered around the mouths of the mines, hoping against reason to see their husbands and fathers alive once more. The later constructed towns are of far better character than were the old, but too many of the old still exist. They are not centers calculated to promote the best attributes of citizenship. In justice to the operators it should be said that the economic condition of the industry could afford no better.

Our coal-mining population has made the best of its poor conditions. Their leaders, for the most part, are zealous in combating the spread of communism and similar doctrines. I have spoken on the same platform with P. T. Fagan, president of district no. 5, William Hines, president of district no. 4, and other officials of the United Mine Workers of America many times, and they advocated as fine a brand of Americanism as any speakers to whom I have ever listened. John L. Lewis, president of the United Mine Workers of America, in the hearings on the Guffey coal bill, before the Committee on Interstate Commerce of the United States Senate, made a statement which I believe to be typical of the attitude of the coal miners in this Nation. Speaking of representation for the miners on the proposed National Bituminous Coal Commission, he said: "We want a minority representation. We are willing to yield to the majority rule, the right of the public interest to govern." Those are the sentiments of a man whose philosophy is to live and let live.

It is worthy of note that those who appeared before the committee, either as proponents or opponents of this legislation, were in accord in their opinion that the N. R. A. had undoubtedly substantially aided in the recovery of the bituminous coal industry. Let it be remembered that most progressive legislation is violently opposed at first. Quite often, those who so bitterly oppose legislation at the outset, prove to be enthusiastic supporters, after experiencing its effects. I sincerely believe this will be the result of the Guffey-Snyder coal bill. This bill is justified and necessary, in order to promote the welfare of thousands of employees of coal companies, who must have a living wage in order to live decently, support their families, raise their children, and live as American citizens are entitled to live.

COL. WILLIAM L. KELLER

Mr. REECE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the bill H. R. 3158, which was passed a few minutes ago.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. REECE. Mr. Speaker, this bill not only gives recognition to the distinguished services of Col. William L. Keller, but it also continues to make available to the Nation the skill, the knowledge, and the rich experience of this invaluable officer.

One of the tragedies of our political system is the fact that we ruthlessly cast adrift many of our most useful public servants just at a period when experience and the years are making them invaluable.

Age is no barrier in a calling where only experience counts. So long as the mind remains crystal clear, the usefulness of the medical man becomes enhanced and multiplied with the years. The knowledge he has gained from thousands of cases in the past becomes an invaluable book into which only he can dip for the greatest benefit of humanity.

I am sure Colonel Keller will be appreciative of any recognition which Congress may give his services, but he has already won an honor beyond the power of Congress to bestow. He has won the gratitude and admiration of those whom he has served. To his skillful fingers and his brilliant mind, thousands of men owe their lives today, and this humble speaker is one of them. His life is one glorious record of unselfish service to the men who defend the flag.

Rated as one of the half-dozen truly outstanding surgeons of this country, he could have made a fortune in private practice. It is a matter of almost public information that he turned down flattering and lucrative offers from the outside that he might remain in the service of his country and to so play his part that today our medical standards in the United States Army are second to none in the world. The great medical center here at Walter Reed is in no small way proof of his great skill and executive ability.

To support this bill gives me a great deal of personal satisfaction.

CIVILIZATION AS IT FLOWS

Mr. LEMKE. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein testimony given before the Committee on Patents by Mr. Borglum.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. LEMKE. Mr. Speaker, under unanimous consent to extend my remarks in the RECORD, I include the following address made by Gutzon Borglum before the Committee on Patents of the House of Representatives:

Mr. Chairman, it is a great pleasure to me to accept this honorable committee's request that I make a few remarks on civilization as it flowers and as it is represented by its arts.

Our gods—money, power, government, war—all fall away, and with them their votaries disappear, ages before time destroys the record man makes of the experiences of his soul. The labor of civilization, expressed in her efforts to record her struggle out of nothing into consciousness and world dominion.

The fine arts are the language the genius of man has invented through his struggle out of the earth into his nest of leaves, out of his nest of leaves into a golden chair and into imperfect understanding of his own soul hunger into his final dream of heaven—this all wrought in mediums that express each mood best, as he suffers and grows, working out of the chrysalis of unconscious form into warm life, where consciousness awakes.

I understand you are attempting to create a cultural headship in our great political experiment "to direct"—I protest, never direct art; may I suggest, to foster, aid, initiate in art production—or is your purpose simply to establish a haven, a sheltering lean-to on the side of our great economic and political organism, where the hoped-for soul of America may find a protecting roof from sordid commercialism—another bureau that under the label of "fine arts" can become more lifeless even than our political institutions.

Speaking after the manner of statesmen and not as a politician, may I suggest that there is no office that our Government can conceive or create that will require so nice an adjustment of its functions as a department of arts. Just what it may do—how it may do it—what it proposes, and how far it can function outside of the routine of political administration and enter the true field of creative effort, without injury to the tender shoots of growing consciousness that appear wherever the human soul stirs, is a problem that requires gifts—ability, understanding—which few men have the genius or ripened maturity to possess.

No effort to aid such products greatly in civilization is known, comparable to the work of Cheops in Egypt, Pericles in Athens, Augustus and Agrippa in Rome, perhaps even better, Hadrian, later the Popes and the regal dukes of Italy in the Renaissance, in their understanding of the precise needs necessary to foster and aid, complete in all its nobility and splendor, the soul of their times.

No peoples outside of these have succeeded in lifting their civilization above the rank of common existence or adding a single step to the course of culture forward and upward to the height of their predecessors. Even France has not, with all her splendid craftsmanship; she neglected her greatest geniuses, who should have been definitely encouraged, made the mouthpiece of her aspirations, recording and dramatizing her splendid story, in letters, painting, in sculpture and architecture.

What England did, in letters and science, measures mightily with the Greeks; she left little in the plastic arts that was not borrowed from the Continent. The Germanic race gave all western civilization its music—and some heroic letters of her own life. Spain, unsurpassed in her masterpieces of Gothic architecture, reflected chiefly the overflow of the Renaissance of Italy.

Mr. Chairman, dynamically America is as yet a tradesman's land without adequate cultural consciousness. Officially she initiates nothing of distinct cultural character or quality. A nation should beware of placing any political adventurer in a position as high priest of an art she gave to the world so dominating, so compelling in arresting the subtlest forms of movement, voice, and color, recording the passing emotions of race suffering, joy, and growth as is possible on the screen. Otherwise such a nation does not understand the meaning or purpose of drama or art or the gross offense it is to the nation's culture to be interpreted by the inevitable standards he brings to it.

May I tell you and your august committee that no proposal before the Congress—that is before the Nation—can, properly conceived and administered, awaken its mind, affect its life as yours could. It means the establishment sooner or later of the only understanding in our people, therefore in our Government, that can deeply and permanently touch us and teach us finally that our hard times are misguidance, mental failure—failure, breakdown of mind and heart, reason, and courage.

Our ever-growing mass of unemployed is not due to lack of national and human service or long-neglected work that should be done, but to a complete misconception of the kind of service necessary; failure in America to know how to bridge the obstacles and to do greatly, disinterestedly, the waiting work of an organized democracy. Feeding the contented idle has proven about as effective and wise as flipping duck shot into a frog; it has awakened State cupidity, threatened the Union, and will wreck us if not stopped.

Opportunity is crying aloud to us everywhere. Food lies in our way; we've killed our markets; production is being stopped; we are backing down; we're quitting; money mildewing in the bursting vaults of a selfish, palsied banking world; the men who create wealth manacled, hamstrung, in grave distress. We lack all cultural, far-sighted, or courageous conception of what civilization means or the will to listen or to act. Paris before Napoleon III reminds me very much of America today—a bewildered mass, a colossal gypsy camp. It took Baron Hausmann, a great organizer, to make out of that confused mass a modern Paris. It took a man, and an idea, and courage. We are fumbling with the philosophy of minds alien, and neither they nor ourselves conscious in the remotest sense of our trouble, or human position and human obligation, unacquainted with the unfinished tasks strewn everywhere over our wounded, ravished, disordered land. We are struggling stupidly, evasively, seeking relief in various forms to pensioned idleness, pampering inability, while we leave the power and health which action and work produce as a negligible consideration. We don't seem to understand what it is to do instead of dreaming things.

I wish it were my high privilege to help in formulating for your committee plans of how you could prepare America's great soul hunger for a great cultural awakening. When I speak of soul I don't mean some intangible dream thing that would quench its thirst on the morning dew, that sits and dreams its time away; I mean the real hunger in all for individual expression and action—healthful, productive action; individual chance for inside maturity; individual mastery of physical and mental gifts that beat in the heart and body eternally for freedom and expression, that have long been welling up within us—fallow, without fruitage, unexpressed, a menace to themselves, unused, a peril to our civilization and to our Government.

For this particular department of science, art, and literature I would like to see you take the three hundred millions of the "works fund", earmarked as the "white-collar allocation", and use it to help America become a democracy with a heart; the soul will take care of itself. I find at my elbow everywhere, here in this room, at afternoon teas, dinners, in the Senate, House, the whispered question, "Where and how to find those among us with creative impulse, how to put them to work, and at what?" There are so many of them and there is nothing to give them to do in our tradesmen's land. What can they do that is worth while?

Gentlemen, the permanently worth-while work that has lifted any civilization in the world's history out of the mud, in which most of it was conceived and born, was never initiated by big business, bankers, or politics. It is always a product of a few creative, constructive individuals.

America has a larger population of unregistered dreamers of great, of greater and more beautiful lives that might be lived usefully if given a chance, under sound leadership, than all Europe put together. Ours is a population made up of the soul hungry of civilization from everywhere.

"Jay Gouldism", "holding companies", worship of the golden calf, intervened, and we became a nation of throw-backs, shopkeepers, whose sole wants are purchasable by pound or yard! We can never rid ourselves of these parasites, but they must cease directly our course or we perish.

Build your department of science, art, literature; make it a conservatory in which to foster the genius of the land and demand administration of much of this big "white collar" fund. Be not afraid of wasting any of it; you—our Congress—have thrown to the dogs of trade five times as much in your pseudo-aircraft debacle without a whimper. Every cent spent on science and literature is our only permanent investment.

In trying to uncover and find an opening into the submerged heart of America, I would not attempt to foster art. I would spend millions in hundreds in getting into the "grass roots" in a still hunt for the cultural outcroppings that try and today die unaided everywhere in our beloved land. I would send out the call in no uncertain terms. I would go into the country where dreamers are born, who know, who live and travel alone. Genius protects itself with space—does not "thrive on the time-worn yoke of other men's opinions." "Heroes are not suckled on sweets"; they are companions of the moon—the stars—heaven their playground—they love storms—lightning—a destroyed giant in the forest is like a murdered friend to them. They are of the elements and as eternal; they immortalized Egypt, Greece, Rome, Italy; they discovered the western world; they invented the Republic; they began the city we are in; are we going to permit its further decay?

The art department's job is scout, not guide. Find the American spirit and help it to its feet; make it look up; tell America

she is great, beautiful, wonderful; give her a chance to be all of these and you won't have to tell her to dance and sing and that there is no big black wolf. She will reorganize and stop the misuse of material power.

You will be amazed at the multitude of men, women, and children who have worlds of beauty up their sleeve, lives of loveliness they live all alone—finally, with unspent tears, abandoned for a job just to get their daily bread and secure shelter. Our civilization is a halting thing; we dare not admit its defects and we don't know how to improve it.

To me the department you have sketched means the correction of the above, if done in this spirit; don't tell anyone what wine to like, what songs to sing, what time of day or night heaven is loveliest. Help America to find her wine, her voice, her heaven—not yours or mine, but each his own—and suddenly this garden you have been preparing will blossom as the world has never blossomed.

In a practical sense I would do many things. I'd buy a million—or ten, if needed—photographs of the masterpieces of civilization of every sort, scatter them in our country schools, rotate them. Confucius said, "A picture is worth 10,000 words." The smallest school child gets mental and heart stimulus from pictures, to point to the things in creation worth while; follow that up with exhibitions, demonstrations, of how great and beautiful language in literature, in music, in the drama, in architecture, in painting, in sculpture can be and what it does to children's imagination—to men and women. Each of these—a dozen words, a dozen lines, a dozen notes, a splash of color, an eye, nose, and mouth trembling in a bit of marble—the cap on a column—each can be, yes, is a message from some fine creative soul somewhere left as his or her message. Those of you who don't see these things have missed most of life's accomplishments.

I would give to every country school, no matter how poor, opportunity of this sort, and in such degree as is possible, through photographs, literature, reports on these national activities—if your efforts extend the horizon of one child in a thousand, you could report 100 percent successful in forming a great cultural background against the sordid materialism that fairly oozes in and out of our bureaucratic life that dominates our trader world.

I believe it entirely possible for you to incorporate your department during this session of Congress—that is, at once; now. Why not? The time is propitious; it should be done; it must be done. Materialism is stranded; it is dragging its soulless body on every highway unable to get upon its feet.

I'd make surveys of every public building in America. First the Federal buildings, then the schools. Leave the municipal buildings for the city to care for and shame them into finishing them.

Then I'd develop plans for completing their decorations, utilizing local talent when and wherever possible. This work would soon determine its own best way of being done. With music and literature and drama we might include the problem of theater building, stadiums, or acquiring in part or entirely existing institutions and establishing open-air theaters.

The European nations purchase direct from the artist and sculptor their masterpieces and have them enlarged, cut in marble, or cast in bronze and placed about the nation. America should do this; the Nation should own all masterpieces. Ways and means would suggest themselves; no preconceived plan can be established.

I would inaugurate what Louis XIV inaugurated in France by example, "quality of workmanship"—all but dead in America through the demand for quantity production, needed in our hastily built civilization.

I would ask of no man, "What do you do?" but, "How well do you do what you do?" America, England, Italy, the Scandinavian Nations, are moving directly and definitely to quality production. Dean Inge published one of his ablest essays on this phase of craftsmanship and pointed out that patent truth, quality alone defeats everything in time. He applied it to industrial products.

Dr. Tugwell has just delivered a prepared speech at the Rochester Teachers' Association, Rochester, N. Y., April 9. He calls his speech the "Third Economy", and it should be read. Dr. Tugwell, whom I consider one of the clearest, most constructive thinkers in the administration, although I disagree with his and Mr. Wallace's theory and practice of farm relief, says: "So far we have not recognized that unemployment is the greatest of our potential resources, yet it is a fact that had we utilized the labor of the unemployed alone during the depression we could have given every family in the country a brand-new \$5,000 house, or we could have scrapped and rebuilt the entire system of railroad, industrial, and utilities properties in the Nation on modern and efficient lines. This is an appalling waste and one which challenges statesmanship."

That statement is not new. I've shouted it for years, until I'm weary of repeating it. The ancients, all of them, when led by men of courage and common sense, gathered these idle together and made them work, build. They planned wisely, greatly, nobly; and the entire nation was carried by the character of these works, by the dissemination of new, greater civilization envisioned, to a new, higher level.

Dr. Tugwell's statement is extremely important because of his closeness to the national administration and, coming at this time, is not without tragedy. I am in the fullest agreement with him—"we could have given every family in the country a brand new \$5,000 house, or we could have scrapped and rebuilt the entire system of railroads, industrial and utilities properties." Does America realize what that means? That statement, "We could have", is in the past; but surely it is not late. We can still do it, or something of equal importance.

I would like to wander for a moment into the tragedy of the great agrarian world, the great supply basket of all America—the great Mississippi Valley, 2,500,000 square miles of fertile, tillable land. Government break-down for 60 years has allowed big business, buccaneers, to establish "the gate" to and from these Elysian Fields, and the Nation has grown fabulously rich on their products. The farmers alone have become serfs; they alone are poor; they alone are in bondage. Everyone else is prosperous; everyone else is helped—and yet this vast territory provided the base of our wealth and still provides it. Politicians should beware these people; they supply the only unowned, incorruptible vote in America. Has the East forgotten that all the incorruptible, free thought in America comes from men who do not herd? I wish I could say something that would shock thinking America, as Tugwell's statement should—"We might have built a \$5,000 house for every family."

I've ridden my pegasus into the heavens in this paper, but, make no mistake—I stable him and groom him here among our people. There are no dreams nor impulses in me that are not indigenous to this great west world where I was born and belong. I simply have tried too long, and at too great a cost, not to know that enemies, selfishness, are everywhere, hand in hand with good, and politics is the medium evil uses to corrupt statesmanship and good law. I know also it invades art in the highest places.

The fine arts, music, literature, and the drama, sculpture and architecture and painting, are the field where the noblest, most beautiful of human awakening finds expression, and from their high command affect all our leisure and working hours. Nothing should be spared by a great people to give aid and strength to their creative impulses.

Nothing is so protected in life, so sacred, as the birth of any creature or plant, the budding of new material life, the hope, the surprise, the phenomena of creation.

How much more wonderful, more sacred, the awakening of conscious new understanding—the appearance among us of thought—of a new thought, the appearance of what may change the course of entire material world—change civilization.

Do you know, gentlemen, to date, civilization has never recognized economically the appearance of the creative soul among us, nor recognized him or her until their broken bodies dropped in its path, clutching some key to some new heaven.

Let us inaugurate and dedicate ourselves and this nebulous department of art, literature, and science into one of helpfulness, sympathetic understanding, and let us determine that this land, where science, invention, discovery, have freed and given such fabulous wealth to this and all the world, there shall no longer be in this land an unfriendly door, no place where the unknown, the unproven, the incomprehensible may be driven away into the unsheltered highway because of failure to be understood.

Gentlemen, I have experienced these conditions over the hard course of a life unafraid of the world's indifference. I am interested in what you propose because I see in your plans a chance for economic freedom, for the students that will follow, protection for them in the tenderest shyest years of those people most valuable to our Nation, on whom will depend our civilization, our culture.

Mr. KENNEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 530), an act granting compensation to the estate of Thomas Peraglia, deceased, with a Senate amendment, and concur in the Senate amendment.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the Senate amendment, as follows:

Page 1, line 5, strike out "\$7,500" and insert "\$5,000".

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

SAMUEL KAUFMAN

Mr. DOCKWEILER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 3105, with a Senate amendment, and concur in the Senate amendment.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

"That the President of the United States be, and he is hereby, authorized to summon Samuel Kaufman, late major, Dental Corps, Medical Department, Regular Army, before a retiring board to inquire whether at the time of his resignation, December 15, 1922, he was incapacitated for active service, and whether such incapacity was a result of an incident of service, and if, as a result of such inquiry, it is found that he was so incapacitated, the President is authorized to nominate and appoint by and with the advice and consent of the Senate, the said Samuel Kaufman a major of the Dental Corps, Medical Department, and place him immediately thereafter upon the retired list of the Army, with the same privileges and retired pay as are now or may hereafter be

provided by law or regulation for officers of the Regular Army: *Provided*, That the said Samuel Kaufman shall not be entitled to any back pay or allowances by the passage of this act.

Mr. HOPE. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question: As I recall, when this bill passed the House it provided that this officer should be given the privilege of the Emergency Officers' Retirement Act. Is my recollection correct?

Mr. DOCKWEILER. That is correct.

Mr. HOPE. This amendment changes the situation so that he now goes before a Regular Army retirement board.

Mr. DOCKWEILER. That is right.

Mr. HOPE. Mr. Speaker, I have no objection.

There being no objection, the Senate amendment was concurred in, and a motion to reconsider was laid on the table.

CONNECTICUT TERCENTENARY

Mr. KOPPLEMANN. Mr. Speaker, I call up Senate Joint Resolution 94, establishing a commission for the participation of the United States in the observance of the three hundredth anniversary of the founding of the Colony of Connecticut, authorizing an appropriation to be utilized in connection with such observance, and for other purposes, and ask for its immediate consideration.

Mr. SNELL. Mr. Speaker, I ask the gentleman if this is the resolution about which he spoke to me?

Mr. KOPPLEMANN. It is.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

Resolved, etc., That there is hereby established a commission to be known as the "United States Connecticut Tercenary Commission" (hereinafter referred to as the "Commission") and to be composed of 16 commissioners, as follows: Five persons to be appointed by the President of the United States, 5 Senators by the President of the Senate, and 6 Members of the House of Representatives by the Speaker of the House of Representatives. The commission shall serve without compensation and shall elect a chairman from among their number.

Sec. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$10,000, to be expended by the commission for actual and necessary traveling expenses and subsistence, while discharging its official duties outside the District of Columbia.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. KENNEDY of New York, for the balance of this week, on account of illness in his family.

To Mr. DRIVER (at the request of Mr. MILLER), for 1 week, on account of pressing business.

To Mr. ROMJUE, indefinitely, on account of illness in his family.

To Mr. ZIMMERMAN, indefinitely, on account of important business.

RESIGNATION FROM COMMITTEE

The SPEAKER laid before the House the following communication, which was read:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ACCOUNTS,
Washington, D. C., May 7, 1935.

Hon. JOSEPH W. BYRNS,

Speaker House of Representatives.

MY DEAR MR. SPEAKER: I herewith tender to you my resignation as a member of the Special Committee to Investigate the American Retail Federation.

I understand that it is necessary for the investigation to get under way. The author of the resolution creating same, Mr. COCHRAN, of Missouri, is now confined by illness in a hospital, and during his absence the duties of chairman would devolve upon me. I am informed that, in order to properly conduct the investigation, funds will be necessary. I doubt very much the propriety of the Chairman of the Committee on Accounts serving as chairman of a special investigating committee, and for that reason this resignation is submitted.

With high esteem, I am,
Sincerely,

LINDSAY C. WARREN.

Mr. KVALE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KVALE. In view of the high character and standing of the gentleman who submits this resignation, is it not within the purview of the Chair to decline to receive the resignation and direct the gentleman to serve in this capacity?

The SPEAKER. The Chair has tried to impress the gentleman from North Carolina with that fact, but it is a matter for the House to determine.

Without objection the resignation will be accepted.

There was no objection.

APPOINTMENT TO COMMITTEE

The SPEAKER. The Chair appoints the gentleman from New York [Mr. MERRITT] on the committee to attend the funeral of the late Senator CUTTING, and the Clerk will inform the Senate of this action.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and joint resolution of the Senate of the following titles were taken from the Speaker's table and under the rule referred as follows:

S. 708. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Velie Motors Corporation; to the Committee on War Claims.

S. 2265. An act 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; to the Committee on Military Affairs.

S. J. Res. 118. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress; to the Committee on the Library.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 147. An act to alter the amount apportioned to certain States for public employment offices affiliated with the United States Employment Service;

S. 613. An act to add certain public-domain land in Montana to the Rocky Boy Indian Reservation;

S. 707. An act to amend the act of May 19, 1926, entitled "An act to authorize the President to detail officers and enlisted men of the United States Army, Navy, and Marine Corps to assist the governments of the Latin American Republics in military and naval matters"; and

S. 2145. An act extending the time for repayment of the revolving fund for the benefit of the Crow Indians.

ADJOURNMENT

Mr. TAYLOR of Colorado. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 55 minutes p. m.) the House adjourned until tomorrow, Wednesday, May 8, 1935, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE PUBLIC LANDS

(Wednesday, May 8, 10:30 a. m.)

Committee will hold hearings on various bills.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

320. A letter from the Chairman of the Federal Power Commission, transmitting pursuant to Public Resolution No. 18, Seventy-third Congress (S. J. Res. 74), three copies of the domestic and residential electric energy rates in effect in the Commonwealth of Massachusetts on January 1, 1935; to the Committee on Interstate and Foreign Commerce.

321. A letter from the Secretary of War, transmitting draft of a proposed bill to authorize the acquisition of land for military purposes in Bexar County, Tex., for use as an

addition to Kelly Field Military Reservation, and to settle certain claims in connection therewith; to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. DOUGHTON: Committee on Ways and Means. H. R. 6143. A bill to extend the time during which domestic animals which have crossed the boundary line into foreign countries may be returned duty free; with amendment (Rept. No. 831). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Louisiana: Committee on Flood Control. H. R. 7314. A bill authorizing a preliminary examination of Point Remove Creek, Ark., a tributary of the Arkansas River; without amendment (Rept. No. 834). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Louisiana: Committee on Flood Control. H. R. 7600. A bill authorizing a preliminary examination of the Tanana River and Chena Slough, Alaska; without amendment (Rept. No. 835). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Louisiana: Committee on Flood Control. H. R. 7609. A bill authorizing a preliminary examination of Salt River in Adair County, Mo., with a view to the controlling of floods; without amendment (Rept. No. 836). Referred to the Committee of the Whole House on the state of the Union.

Mr. RANDOLPH: Committee on the District of Columbia. H. R. 3806. A bill to establish a commercial airport for the District of Columbia; with amendment (Rept. No. 837). Referred to the Committee of the Whole House on the state of the Union.

Mr. GREEVER: Committee on Irrigation and Reclamation. H. R. 6875. A bill providing for the allocation of net revenues of the Shoshone power plant of the Shoshone reclamation project in Wyoming; with amendment (Rept. No. 838). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROMJUE: Committee on the Post Office and Post Roads. H. R. 6990. A bill to fix the hours of duty of postal employees, and for other purposes; without amendment (Rept. No. 839). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Louisiana: Committee on Flood Control. H. R. 7147. A bill authorizing a preliminary examination and survey of the San Gabriel and Los Angeles Rivers and their tributaries; to include both drainage basins and their outlets, in Los Angeles County, Los Angeles, Calif., with a view to the controlling of floods; with amendment (Rept. No. 840). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COLDEN: A bill (H. R. 7923) to provide for the construction of an immigration station for the Immigration and Naturalization Service in San Pedro, Calif.; to the Committee on Public Buildings and Grounds.

By Mr. RICH: A bill (H. R. 7924) granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a bridge across the Allegheny River, at Port Allegany, in the County of McKean, State of Pennsylvania; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBINSON of Utah: A bill (H. R. 7925) to authorize the Utah Pioneer Trails and Landmarks Association to construct and maintain a monument on the Fort Douglas Military Reservation, Salt Lake City, Utah; to the Committee on Military Affairs.

By Mr. SUMNERS of Texas: A bill (H. R. 7926) to repeal the limitation on the sale price of the Federal building at

Main and Ervay Streets, Dallas, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. THOMASON: A bill (H. R. 7927) to authorize the Secretary of State to lease to citizens of the United States any land heretofore or hereafter acquired under this or any other act, Executive order, or treaty in connection with projects, in whole or in part, constructed or administered by the Secretary of State through the International Boundary Commission, United States and Mexico, American section; to the Committee on Foreign Affairs.

By Mr. GRAY of Pennsylvania: A bill (H. R. 7928) granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River, at or near Ford City, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. DEROUEN: A bill (H. R. 7929) to authorize the Secretary of the Interior to accept donations of land, interests in land, buildings, or other property for the extension of national parks, national monuments, battlefield sites, national military parks, and other areas administered by the National Park Service, and for other purposes; to the Committee on the Public Lands.

Also, a bill (H. R. 7930) to eliminate certain lands from the Craters of the Moon National Monument, Idaho; to the Committee on the Public Lands.

Also, a bill (H. R. 7931) to establish the San Juan National Monument, P. R., and for other purposes; to the Committee on the Public Lands.

By Mr. DIETRICH: A bill (H. R. 7932) granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a bridge across the Susquehanna River at Wyalusing, in the county of Bradford, Commonwealth of Pennsylvania; to the Committee on Interstate and Foreign Commerce.

By Mr. ELLENBOGEN: A bill (H. R. 7933) to repeal the excise tax on manufactures of furs; to the Committee on Ways and Means.

By Mr. McCORMACK: A bill (H. R. 7934) to provide for allowance for loss during bottling and on account of leaky packages of beer, lager beer, ale, porter, and other similar fermented liquor, and for other purposes; to the Committee on Ways and Means.

By Mr. WARREN: A bill (H. R. 7935) to amend the Agricultural Adjustment Act to make all varieties of potatoes included in the species *Solanum tuberosum* a basic agricultural commodity, to raise revenue by imposing a tax on the first sale of such potatoes, and for other purposes; to the Committee on Agriculture.

By Mr. BURCH: A bill (H. R. 7936) to adjust the salaries of rural letter carriers, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. CONNERY: A bill (H. R. 7937) to promote equality of bargaining power between employers and employees, to diminish the causes of labor disputes, to create a National Labor Relations Board, and for other purposes; to the Committee on Labor.

By Mr. DEROUEN: A bill (H. R. 7938) to authorize the transfer of the Otter Cliffs Radio Station on Mount Desert Island in the State of Maine as an addition to the Acadia National Park, and for other purposes; to the Committee on the Public Lands.

By Mr. FULMER: A bill (H. R. 7939) to authorize the erection of a Veterans' Administration hospital at or near Orangeburg, S. C., for Negro World War veterans to the Committee on World War Veterans' Legislation.

By Mr. SUMNERS of Texas: A bill (H. R. 7940) to prohibit the interstate transportation of prison-made products in certain cases; to the Committee on Labor.

By Mr. DIRKSEN: Resolution (H. Res. 214) to investigate the official conduct of Samuel Alschuler; to the Committee on the Judiciary.

By Mr. FERGUSON: Joint resolution (H. J. Res. 275) making appropriations for emergency relief in stricken agricultural areas; to the Committee on Appropriations.

By Mrs. GREENWAY: Joint resolution (H. J. Res. 276) authorizing the State of Arizona to transfer to the town of

Benson without cost title to sec. 16, T. 17 S., R. 20 E., Gila and Salt River meridian, for school and park purposes; to the Committee on the Public Lands.

By Mr. RAMSAY: Joint resolution (H. J. Res. 277) proposing an amendment to the Constitution of the United States, limiting the decisions of the courts of the several States and of the United States relative to legislative acts of the Congress of the United States; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XXII, a memorial was presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Illinois, urging the elimination of the long- and short-haul clause from the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BELL: A bill (H. R. 7941) authorizing the Secretary of the Treasury to pay L. E. Durham and Margaret E. Durham for rent of premises occupied by Director of Farm Labor; to the Committee on Claims.

By Mr. BEITER: A bill (H. R. 7942) to correct the military record of Ralph Irvin Brown; to the Committee on Naval Affairs.

By Mr. BERLIN: A bill (H. R. 7943) granting a pension to Malissa Agnes McMunn; to the Committee on Invalid Pensions.

By Mr. BREWSTER: A bill (H. R. 7944) granting a pension to Rachel A. Bosworth; to the Committee on Pensions.

By Mr. GRAY of Indiana: A bill (H. R. 7945) granting a pension to Carl L. Bodecker; to the Committee on Pensions.

By Mr. LEA of California: A bill (H. R. 7946) for the relief of Adam Augustus Shafer; to the Committee on Naval Affairs.

By Mr. McGROARTY: A bill (H. R. 7947) for the relief of Rev. Harry J. Hill; to the Committee on Claims.

By Mr. ROBSION of Kentucky: A bill (H. R. 7948) granting a pension to Mollie Sigmon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7949) granting an increase of pension to Mary Hubbard; to the Committee on Invalid Pensions.

By Mr. SNYDER: A bill (H. R. 7950) granting a pension to David B. Lawson; to the Committee on Pensions.

Also, a bill (H. R. 7951) granting an increase of pension to Ella Dean; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7952) granting a pension to George C. Shuckhart; to the Committee on Pensions.

Also, a bill (H. R. 7953) granting a pension to Michael Gannon; to the Committee on Pensions.

By Mr. SOMERS of New York: A bill (H. R. 7954) for the relief of William S. Wrynn; 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:

8294. By Mr. ARENDS: Petition of V. L. Dally, commander Fred Bennitt Camp, No. 3, United Spanish War Veterans, and members of Livingston County, Ill., asking for passage of House bill 6995, to restore pensions to veterans of the Boxer Rebellion and Philippine Insurrection; to the Committee on Pensions.

8295. Also, petition of residents of Bloomington, Ill., favoring enactment of Senate bill 600 and House bill 5600; to the Committee on the Judiciary.

8296. By Mr. BUCK: Memorial of the California State Legislature, memorializing the President and the Congress to enact legislation declaring Admission Day a holiday for all officers and employees of the United States whose headquarters are in California; to the Committee on the Judiciary.

8297. By Mr. CONNERY: Resolution of the Peabody Chamber of Commerce, Peabody, Mass., opposing the continuance

of the cotton-processing tax; to the Committee on Agriculture.

8298. Also, resolution of the General Court of Massachusetts, urging that the President of the United States be requested to utilize fully the powers vested in him by section 3 (e) of the National Industrial Recovery Act to apply embargoes or establish quotas as a means of protecting American manufacturers and thus American workers against the losses they now suffer from foreign competition; to the Committee on Ways and Means.

8299. By Mr. CULKIN: Petition by four citizens of West Amboy, N. Y., asking that an Executive order be issued which will grant all licensed practitioners of the healing arts equal rights and privileges in any social legislation involving these arts; to the Committee on the Judiciary.

8300. Also, petition of 12 residents of Jefferson County, N. Y., urging Congress to pass a uniform old-age pension law that must be adopted by the States before any Federal aid or relief is available; to the Committee on Ways and Means.

8301. Also, petition of the Watertown Aerie, No. 782, Fraternal Order of Eagles, Watertown, N. Y., urging support of the part of the social-security bill (S. 1130 and H. R. 4142) which provides for Federal monetary assistance to the States paying old-age pensions; to the Committee on Ways and Means.

8302. Also, petition of the Oswego Aerie, No. 498, Fraternal Order of Eagles, Oswego, N. Y., urging support of the part of the social-security bills (S. 1130 and H. R. 4142) which provide for Federal monetary assistance to the States paying old-age pensions; to the Committee on Ways and Means.

8303. Also, memorial of State Assembly of New York, requesting that the President and Congress of the United States repeal the charter of the North River Bridge Co., which was granted by the act of Congress of the United States (ch. 669, 1889-90, 51st Cong., and Public Act No. 350, 67th Cong., 1922); to the Committee on Interstate and Foreign Commerce.

8304. Also, petition of the Senate and the Assembly of the State of New York, requesting the President and the Congress of the United States to give favorable consideration to House bill 6914; to the Committee on Agriculture.

8305. Also, petition of certain residents of Watertown, N. Y., to extend the fundamental principles of the National Recovery Act either indefinitely or for at least another 2 years; to the Committee on Appropriations.

8306. By Mr. DOBBINS: Memorial of the Senate and House of Representatives of the State of Illinois (S. J. Res. No. 21) advocating the modification of the fourth section of the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

8307. By Mr. HALLECK: Petition of citizens of Rensselaer, Ind., favoring pending legislation for the regulation of carriers in interstate commerce; to the Committee on Interstate and Foreign Commerce.

8308. Also, petition of Lorain Council, No. 10, Sons and Daughters of Liberty, of Logansport, Ind., favoring House bill 5921, to strengthen law for deportation of aliens; to the Committee on Immigration and Naturalization.

8309. By Mr. TRUAX: Petition of the National Cooperative Council, Washington, D. C., by their secretary-treasurer, Robin Hood, favoring the amending of the Banking Act of 1935 by a mandate to restore the purchasing power of the dollar to the 1921-29 level, and thereafter to maintain it at that level in relation to basic commodities, as contained in an amendment offered by Mr. GOLDSBOROUGH; to the Committee on Banking and Currency.

8310. Also, petition of the Central Region Face Brick Branch, Canton, Ohio, by their secretary, J. Oatis Wilcox, strongly favoring the reenactment of the National Recovery Act in substantially its present form, with such additions and amendments as will compel stricter compliance thereto, as conditions in the Structural Clay Products Code are such that should the industry be deprived of the stabilization of minimum costs granted under the National Industrial Re-

covery Act, within a very short time a demoralized market would result, and many plants of the industry who have had no opportunity to recoup losses covering 5 years of depression would be placed in jeopardy of financial ruin; to the Committee on Labor.

8311. Also, petition of Harry W. Dunn, Toledo, Ohio, endorsing the program of the American Civil Liberties Union, and in accordance therewith protesting against any and all legislation tending to abridge the freedom of speech and press, such as House bills 57, 2866, 2897, 3036, 3056, 4313, and 6427; to the Committee on the Judiciary.

8312. Also, petition of Colonel Crawford Post, No. 181, American Legion, Bucyrus, Ohio, by their adjutant, Ferris H. Mollencopf, favoring House bill 7201, relative to amending section 6 of the National Defense Act of June 3, 1916, as they feel certain that a man who is in charge of an Army band should receive the same recognition as any other leader of a military unit; to the Committee on Military Affairs.

8313. Also, petition of Monroe Pomona Grange, No. 23, Stafford, Ohio, protesting against such Federal regulation as proposed by Senate bill, as unfair, discriminatory, and unnecessary at this time, and as not being for the real interests of either producer or consumer, whether rural or urban, as it is their contention that such proposed Federal regulation of the motor carriers of freight, especially as to rates and practices, would result in serious handicap to the farmer, the stockman, and the horticulturist; to the Committee on Interstate and Foreign Commerce.

8314. By the SPEAKER: Petition of the city of Cairo, Ill.; to the Committee on Banking and Currency.

8315. Also, petition of the American Petroleum Institute, New York City; to the Committee on Interstate and Foreign Commerce.

8316. Also, petition of the citizens of the city of San Diego, Calif.; to the Committee on Ways and Means.

SENATE

WEDNESDAY, MAY 8, 1935

(Legislative day of Tuesday, May 7, 1935)

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

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, May 7, 1935, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. LEWIS. I suggest the absence of a quorum and ask for a roll call.

The VICE PRESIDENT. The clerk will call the roll.

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

Adams	Coolidge	King	Radcliffe
Ashurst	Copeland	La Follette	Robinson
Austin	Costigan	Lewis	Russell
Bachman	Couzens	Logan	Schall
Bailey	Dickinson	Loneragan	Schwellenbach
Bankhead	Dieterich	Long	Sheppard
Barbour	Donahey	McAdoo	Shipstead
Barkley	Duffy	McCarran	Smith
Bilbo	Fletcher	McGill	Steiwer
Black	Frazier	McKellar	Thomas, Okla.
Bone	George	McNary	Thomas, Utah
Borah	Gerry	Maloney	Townsend
Brown	Gibson	Metcalf	Trammell
Bulkeley	Glass	Minton	Truman
Bulow	Gore	Moore	Tydings
Burke	Guffey	Murphy	Vandenberg
Byrd	Hale	Murray	Van Nuys
Byrnes	Harrison	Neely	Wagner
Capper	Hastings	Norris	Walsh
Caraway	Hatch	O'Mahoney	Wheeler
Carey	Hayden	Overton	White
Clark	Johnson	Pittman	
Connally	Keyes	Pope	

Mr. LEWIS. Again I wish to announce the absence of the Senator from North Carolina [Mr. REYNOLDS], being engaged on an official mission to the Virgin Islands.