power, the control of floods, and the needs of irrigation, was taken from the Speaker's table and referred to the Committee on Flood Control and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. HOEPPEL: Committee on War Claims. S. 1932. An act for the relief of the State of California; with amendment (Rept. No. 1162). Referred to the Committee of the Whole House on the state of the Union.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 5730. A bill to amend section 3 (b) of an act entitled "An act to establish the composition of the United States Navy with respect to the categories of vessels limited by the treaties signed at Washington February 6, 1922, and at London April 22, 1930, at the limits prescribed by those treaties; to authorize the construction of certain naval vessels; and for other purposes", approved March 27, 1934; with amendment (Rept. No. 1163). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. EDMISTON: Committee on Military Affairs. H. R. 5075. A bill providing for the appointment of Harry T. Herring, formerly a lieutenant colonel in the United States Army, as a lieutenant colonel in the United States Army and his retirement in that grade; without amendment (Rept. No. 1164). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. PATMAN: A bill (H. R. 8442) making it unlawful for any person engaged in commerce to discriminate in price or terms of sale between purchasers of commodities of like grade and quality, to prohibit the payment of brokerage or commission under certain conditions, to suppress pseudo-advertising allowances, to provide a presumptive measure of damages in certain cases, and to protect the independent merchant, the public whom he serves, and the manufacturer from whom he buys from exploitation by unfair competitors; to the Committee on the Judiciary.

By Mr. HILL of Alabama: A bill (H. R. 8443) authorizing an appropriation to the American Legion for use in connection with Pershing Hall, a memorial already erected in Paris, France, to the commander in chief, officers, men, and auxiliary services of the American Expeditionary Forces; to the Committee on Military Affairs.

Also, a bill (H. R. 8444) to authorize the transfer of a certain military reservation to the Department of the Interior; to the Committee on Military Affairs.

By Mr. STARNES: A bill (H. R. 8445) to further reduce immigration under the quotas, to further increase grounds upon which deportation may be effected, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. WILCOX: A bill (H. R. 8446) providing for an appropriation for the eradication of the West Indian fruit fly and black fly; to the Committee on Appropriations.

By Mr. SCOTT: Resolution (H. Res. 244) for the investigation of certain matters relating to Russia; to the Committee on Rules.

Also, resolution (H. Res. 245) for the investigation of certain matters relating to the Union of Socialist Soviet Republics; to the Committee on Rules.

By Mr. HOFFMAN: Resolution (H. Res. 246) to protect the public; to the Committee on the District of Columbia.

By Mr. MARCANTONIO: Resolution (H. Res. 247) directing the Secretary of the Navy to transmit to the House of Representatives information concerning activities of Rear Admiral Yates Stirling, Jr., of the United States Navy; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURDICK: A bill (H. R. 8447) for the relief of Leonard Gramstad; to the Committee on World War Veterans' Legislation.

By Mr. COLLINS: A bill (H. R. 8448) for the relief of Roy Masters Worley; to the Committee on Military Affairs.

By Mr. MASSINGALE: A bill (H. R. 8449) to authorize the appointment of John Easter Harris as major, Corps of Engineers, Regular Army; to the Committee on Military Affairs.

By Mr. MORAN: A bill (H. R. 8450) granting a pension to Mary Jane Blackman; to the Committee on Invalid Pensions.

By Mr. SMITH of Virginia: A bill (H. R. 8451) for the relief of Patrick O'Brien; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8798. By Mr. BOYLAN: Resolution unanimously adopted by the Navy Post, No. 16, of the American Legion, New York City, providing that the team representing the United States at the Olympic Games in Germany in 1936 should travel to and from those games in ships of the United States registry, manned by American officers and crews, etc.; to the Committee on Naval Affairs.

8799. Also, resolution adopted by Utilities Employees Securities Co., and board of directors, representing 10,632 employees, protesting against the passage of the bills known as the "Public Utility Holding Company Act"; to the Committee on Interstate and Foreign Commerce.

8800. By Mr. BRUNNER: Resolution of the Holy Name Society of the diocese of Brooklyn, N. Y., regarding the conditions in Mexico; to the Committee on Foreign Affairs.

8801. By Mr. FORD of California: Resolution adopted by the Council of the City of Los Angeles, disapproving of section 11 of House bill 6511, in that it does not provide for competitive off-route passenger and express service; to the Committee on Interstate and Foreign Commerce.

8802. Also, resolution of the Senate and Assembly of the State of California, memorializing the President and Congress to consider and enact such legislation and to propose such amendment or amendments to the Constitution of the United States as may be found suitable to prevent further exemption from taxation of any and all bonds and other evidences of indebtedness issued by the Federal, State, and local governments; to the Committee on Ways and Means.

8803. By Mr. PFEIFER: Petition of the Medical Society of the State of New York, New York City, concerning the Banking Act of 1935; to the Committee on Banking and Currency.

SENATE

WEDNESDAY, JUNE 12, 1935

(Legislative day of Monday, May 13, 1935)

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its reading clerks, announced that the House had passed a bill (H. R. 7980) to protect the revenue of the United States and provide measures for the more effective enforcement of the laws respecting the revenue, to prevent smuggling, to authorize customs-enforcement areas, and for other purposes, in which it requested the concurrence of the Senate.

By unanimous consent, the following routine business was transacted:

PETITIONS AND MEMORIALS

Mr. TYDINGS presented five joint resolutions of the Legislature of the Territory of Hawaii, which were referred

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to the Committee on Territories and Insular Affairs, as follows:

(See joint resolutions printed in full when laid before the Senate by the Vice President on the 7th instant, pp. 8821–8823 CONGRESSIONAL RECORD.)

No. 9. A joint resolution requesting Congress to enact legislation enabling the Legislature of the Territory of Hawaii to authorize the city and county of Honolulu to issue flood-control bonds, and for other purposes;

No. 13. A joint resolution requesting Congress to amend section 202 of the Hawaiian Homes Commission Act, relating to the membership of the Commission and the appointment of officers;

No. 14. A joint resolution memorializing Congress to provide for the issuance, by the Bureau of Immigration of the Department of Labor, of certificates of citizenship to all persons residing in the Territory of Hawaii who are citizens of the United States and who apply for such certificates and present due proof of such citizenship, and to provide for the appointment of a commission to present this resolution before Congress, and to make available to the said commission an appropriation to defray its expenses;

No. 15. A joint resolution requesting Congress to enact legislation authorizing the Legislature of the Territory of Hawaii to provide for the issuance of certain bonds; and

No. 16. A joint resolution requesting Congress to provide financial assistance to the Territory of Hawaii for the segregation, care, maintenance, and treatment therein of persons afflicted, or suspected of being afflicted, with leprosy.

ACTS OF LEGISLATURE OF TERRITORY OF HAWAII

Mr. TYDINGS also presented copies of certain acts of the Legislature of the Territory of Hawaii, which were referred to the Committee on Territories and Insular Affairs, as follows:

No. 118. An act to authorize the United States of America, corporate agencies of the United States, corporations authorized to expend Federal funds, and corporations receiving aid from the United States or any agency or instrumentality thereof, to exercise the power of eminent domain to acquire property for housing projects, and for other purposes;

No. 163. An act authorizing flood-control projects and undertakings by the city and county of Honolulu, and the issuance of bonds or other obligations in connection therewith;

No. 173. An act to authorize the Territory of Hawaii, its political subdivisions and agencies to cooperate with the Hawaii Housing Authority and the United States of America and any agency or instrumentality thereof, by rendering services, conveying or leasing property, and providing for streets, roads, and other facilities, and for other purposes;

No. 174. An act providing for the acquisition, purchase, construction, reconstruction, improvement, betterment, extension, operation, and maintenance of revenue-producing undertakings by any municipality or other political subdivision in the Territory of Hawaii, authorizing and regulating the issuance of revenue bonds for financing such undertakings; and providing for the payment of such bonds and the rights of holders thereof; and

No. 190. An act creating the Hawaii Housing Authority, providing for its powers and duties; authorizing it to engage in slum clearance or projects to provide dwelling accommodations for persons of low income; authorizing it to acquire property by purchase, gift, or eminent domain; authorizing it to borrow money, issue bonds and other obligations, and give security therefor; conferring remedies on obligees of the Authority; providing that the bonds of the Authority shall be legal investments; and providing that the Authority, its projects, and securities shall be tax exempt.

REPORTS OF COMMITTEES

Mr. SHEPPARD, from the Committee on Commerce, to which was referred the bill (S. 2887) authorizing the Perry County Bridge Commission, of Perry County, Ind., to construct, maintain, and operate a toll bridge across the Ohio River at or near Cannelton, Ind., reported it without amendment and submitted a report (No. 853) thereon.

Mr. VANDENBERG, from the Committee on Commerce, to which was referred the bill (S. 1788) authorizing the State of Michigan to construct, maintain, and operate a toll bridge across the St. Clair River at or near Port Huron, Mich., and to acquire other transportation facilities between said State and Canada, reported it without amendment and submitted a report (No. 854) thereon.

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

H. R. 1292. A bill for the relief of Grace McClure (Rept. No. 855); and

H. R. 4651. A bill for the relief of the Noble County (Ohio) Agricultural Society (Rept. No. 856).

Mr. BURKE also, from the Committee on Claims, to which was referred the bill (H. R. 2125) for the relief of George William Henning, reported it with an amendment and submitted a report (No. 857) thereon.

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

H. R. 3337. A bill for the relief of James Akeroyd & Co. (Rept. No. 858);

H. R. 4105. A bill for the relief of Julian C. Dorr (Rept. No. 859); and

H. R. 4838. A bill 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 (Rept. No. 860).

Mr. GIBSON also, from the Committee on Claims, to which was referred the bill (S. 1139) for the relief of Henry C. Zeller and Edward G. Zeller with respect to the maintenance of suit against the United States for the recovery of any income tax paid to the United States for the fiscal year beginning October 1, 1916, and ending September 30, 1917, in excess of the amount of tax lawfully due for such period, reported it with an amendment and submitted a report (No. 861) thereon.

Mr. TRAMMELL, from the Committee on Claims, to which was referred the bill (H. R. 3230) for the relief of Rufus Hunter Blackwell, Jr., reported it with an amendment and submitted a report (No. 862) thereon.

Mr. BAILEY, from the Committee on Claims, to which was referred the bill (H. R. 4811) for the relief of George W. Miller, reported it without amendment and submitted a report (No. 863) thereon.

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

H. R. 3556. A bill for the relief of Sophie Carter (Rept. No. 864);

H. R. 4034. A bill for the relief of Charles Szymanski (Rept. No. 865);

H. R. 4146. A bill for the relief of Mrs. Olin H. Reed (Rept. No. 866); and

H. R. 4610. A bill for the relief of John J. Moran (Rept. No. 867).

Mr. SCHWELLENBACH, from the Committee on Claims, to which was referred the bill (H. R. 4808) for the relief of the Richmond, Fredericksburg & Potomac Railroad Co., reported it without amendment and submitted a report (No. 868) thereon.

Mr. CAREY, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 2695) to add certain lands to the Medicine Bow National Forest, Wyo., reported it with amendments and submitted a report (No. 869) thereon.

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

H. R. 115. A bill to amend section 27 of the Merchant Marine Act, 1920 (Rept. No. 870); and

S. 501. A bill to provide for the establishment of a Coast Guard station on the coast of Oregon, at or near Taft, Oreg. (Rept. No. 871).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

Mr. PITTMAN, from the Committee on Foreign Relations, reported favorably the nomination of Nelson Trusler Johnson, of Oklahoma, now Envoy Extraordinary and Minister Plenipotentiary to China, to be Ambassador Extraordinary and Plenipotentiary to China, which was ordered to be placed on the Executive Calendar.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The VICE PRESIDENT. The reports will be placed on the Executive Calendar.

BILLS INTRODUCED

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

By Mr. MURPHY:

A bill (S. 3036) to amend the Packers and Stockyards Act, 1921; to the Committee on Agriculture and Forestry.

By Mr. BYRD:

A bill (S. 3037) for the relief of the heirs at law of Barnabas W. Baker and Joseph Baker; to the Committee on Claims.

By Mr. OVERTON:

A bill (S. 3038) to authorize the transfer of certain lands in Rapides Parish, La., to the State of Louisiana for the purpose of a State highway across a portion of the Federal property occupied by the Veterans' Administration facility, Alexandria, La.; to the Committee on Public Lands and Surveys.

By Mr. HASTINGS:

A bill (S. 3039) for the relief of the heirs of Prof. William H. H. Hart, principal of the Hart Farm School and Junior Republic for Dependent Children; to the Committee on Claims.

By Mr. TRAMMELL:

A bill (S. 3040) authorizing the Secretary of the Navy to accept gifts and bequests for the benefit of the Office of Naval Records and Library, Navy Department; to the Committee on Naval Affairs.

By Mr. GORE (by request):

A bill (S. 3041) to authorize the appointment of John Easter Harris as a major, Corps of Engineers, Regular Army; to the Committee on Military Affairs.

By Mr. CLARK:

A bill (S. 3042) making appropriations for relief in stricken agricultural areas, and for other purposes; to the Committee on Appropriations.

MINIMUM WAGE STATE COMPACT

Mr. WALSH. Mr. President, I ask consent to introduce a joint resolution providing that a compact for establishing uniform standards for conditions of employment, signed by representatives of several States and ratified by the Legislatures of Massachusetts and New Hampshire, be approved and declared to be effective in accordance with the terms thereof. This compact, when approved, will become the first interstate compact on labor legislation in the history of the country. The compact is the outgrowth of the Eastern Interstate Conference on Labor Legislation held in Boston, Mass., in 1933. This conference called for the preparation of compacts between the several States on minimum wage, child labor, hours of labor, night work, and industrial home work. I ask that the joint resolution embodying the compact and a history of the compact be printed in the RECORD, and that the joint resolution be referred to the Committee on Education and Labor.

The VICE PRESIDENT. Without objection, it is so ordered; and the joint resolution will be received and referred as indicated by the Senator from Massachusetts.

The joint resolution (S. J. Res. 148) granting the consent of Congress to the minimum wage compact ratified by the Legislatures of Massachusetts and New Hampshire was read twice by its title, referred to the Committee on Education and Labor, and ordered to be printed in the RECORD, as follows:

Joint resolution granting the consent of Congress to the minimum wage compact ratified by the Legislatures of Massachusetts and New Hampshire

Resolved, etc., That the compact for establishing uniform standards for conditions of employment, particularly with regard to the minimum wage in States ratifying the same, which was signed in Concord, N. H., on May 29, 1934, by representatives of the Governors of Maine, New Hampshire, Connecticut, Massachusetts, Rhode Island, New York, and Pennsylvania, and which was ratified by the Legislature of Massachusetts on June 30, 1934, and by the Legislature of New Hampshire on May 29, 1935, is hereby approved and declared to be effective in accordance with the terms thereof, which compact is as follows:

"COMPACT FOR ESTABLISHING UNIFORM STANDARDS FOR CONDITIONS OF EMPLOYMENT, PARTICULARLY WITH REGARD TO THE MINIMUM WAGE, IN STATES RATIFYING THE SAME

"TITLE I—POLICY AND INTENT

"Whereas enforcement among the industrial States of the Union of reasonably uniform standards for labor in industry, determined in accordance with the general welfare, would not only benefit labor but would be of real advantage to employers, removing the pressure toward low wages, long hours of work, exploitation of minors and women, and similar action commonly admitted to be injurious to all concerned; and

"Whereas the advantages of such uniform standards have already been indicated by the operation of the National Industrial Recovery Act and the codes of fair competition adopted thereunder; and

"Whereas such operation points to the desirability of continued uniform legislation affecting labor standards, by Federal action or otherwise, and of joint action by the States to establish such uniform standards; and

"Whereas the establishment of reasonably uniform standards in States concerned with the same general fields of industry and competitors in the same markets will afford the advantages of stability in labor legislation to all concerned, with disadvantage to none: Now, therefore,

"The States whose commissioners have signed this compact and which have, by their legislatures, ratified the same, acting to promote the general welfare of the people, do hereby join in establishing the said compact to provide uniform minimum standards affecting labor and industry in the said States: *Provided, however*, That nothing herein contained shall be construed as abrogating, repealing, modifying, or interfering with the operation of laws already in effect in any State party hereto which establish standards equivalent to or above those herein specified, nor to prevent or discourage the enactment of additional laws establishing similar or higher standards; nor shall anything herein contained repeal or affect any laws concerning conditions of employment that are not in conflict herewith or that deal with subjects not included herein: *And provided further*, That no part of any title of this compact nor of any legislation adopted in pursuance thereof, except as may be expressly specified in such title or in such legislation, shall be in effect in any State party hereto until this compact shall have been approved as provided in section 6 of title II, but whenever titles I and II hereof and any other title included herein are so approved and ratified, such titles shall be in full force and effect as laws of the States so approving and ratifying the same.

"TITLE II—GENERAL PROVISIONS

"SECTION 1. Each State party to this compact shall require its administrative agency or agencies charged with the administration and enforcement of this compact and of State laws relating thereto, to make comprehensive and detailed reports concerning the operation and administration of said compact and laws. Such agency shall report at least once each year and shall send copies of such report to the interstate commission established under the following section to the Governors of the several ratifying States and to the appropriate administrative agencies in such States.

"SEC. 2. Each State party hereto shall make provision for a continuing unpaid commission representing industry, labor, and the public, and appointed by the Governor of said State, to deal with the other ratifying States concerning questions arising under this compact and the operation of the same within the limits of their respective States. The chairman of such State commission shall be designated by the Governor and shall be the representative of his State on an interstate commission which shall be composed of the representatives so designated by the several States parties to this compact. The Governors of the signatory States shall request the President of the United States to appoint a representative of the Federal Government to the interstate commission. The expenses of the interstate commission shall be shared equally by the States ratifying this compact. The interstate commission shall annually make a report of its activities and shall furnish copies to the Governors of the ratifying States and to the permanent commisisons of such States.

"SEC. 3. Should any question arise on the part of one or more of the States ratifying this compact concerning a matter involved in said compact or in any State law adopted in pursuance thereof, then such question shall be brought before the said interstate commission for consideration. Said interstate commission shall make any necessary investigations, shall publish its findings and any

recommendations, and shall furnish copies of such findings and recommendations to the State commissions in each State party to this compact.

"SEC. 4. If any ratifying State should desire a modification of any provision or provisions of this compact, or a revision of the entire compact, or if for any reason it should become desirable to extend the scope of said compact, the aforesaid interstate commission shall, upon the application of one or more of the ratifying States, and after 30 days' notice to the Governors and State commissions of the other States, proceed to consider such application and the reasons advanced for the proposed modification or revision and shall make such recommendations to the ratifying States concerning the same as may seem fitting and proper. Whenever said modifications, revision, or extension is ratified in the manner prescribed in section 6 of this title for the ratification of this original compact, and the Congress of the United States has consented thereto, then such modification, revision, or extension shall be in full force and effect in the States ratifying the same.

"SEC. 5. Each State party to this compact agrees that it will not withdraw therefrom until it has reported to the interstate commission the reasons for its desire to withdraw. The interstate commission shall, upon receipt of such report, investigate the situation and shall, within 6 months, submit its recommendations. If the State still desires to withdraw from the compact, it shall defer such action for 2 years from the date of the findings of the interstate commission.

"SEC. 6. Upon ratification by the legislative act of the requisite number of States, as specified in subsequent titles of this compact, and with the consent of the Congress of the United States, this compact shall be in full force and effect in the States ratifying the same. Each State so ratifying shall forthwith enact necessary and suitable legislation to establish and maintain the minimum standards set forth in the following title or titles and shall make provision for the continuing State commission required by section 2 of this title. The appropriate administrative agencies of each State shall thereafter enforce and supervise the operation of the laws relating to this compact and the laws enacted to make the provisions of said compact effective.

"SEC. 7. Any State may at any time become a party to this compact by taking the action required by the preceding section of this title to ratify the same, subject to the consent of the Congress of the United States.

"SEC. 8. If any part of this compact or the application thereof to any person or circumstance should be held to be contrary to the constitution of any ratifying State or of the United States, all other separable parts of said compact and the application of such parts to other persons or circumstances shall continue to be in full force and effect.

"TITLE III—MINIMUM WAGE

"SECTION 1. No employer shall pay a woman, or a minor under 21 years of age, an unfair or oppressive wage.

"SEC. 2. The State agency administering the minimum-wage law enacted in conformity with this compact shall have authority to investigate the wages of women and minors; to appoint wage boards, upon which employers, employees, and the public shall have equal representation, for the purpose of recommending minimum fair wage rates for women and minors; and, after a public hearing, to enter directory orders based on the determinations of the wage boards, together with such administrative rulings as are appropriate to make the determinations effective; and may have further authority, without the agency of a wage board, to enter such orders in the case of occupations with less than a specified number of employees.

"SEC. 3. The State administrative agency and the wage boards appointed by such agency shall have authority to administer oaths and to require, by subpena, the attendance and testimony of witnesses and the production of records relative to the wages of women and minors.

"SEC. 4. The State administrative agency shall have further authority to inspect to determine compliance with its orders; to publish the names of employers violating a directory order; and, after a directory order has been in effect for a specified period, to make such order mandatory after a public hearing thereon. Such mandatory order shall carry a penalty of fine, imprisonment, or both. Said agency shall have authority to reconvene wage boards or to form new wage boards for the purpose of modifying wage orders. It shall have authority at any time, on its own motion, to modify administrative regulations after a public hearing thereon.

"SEC. 5. The State administrative agency shall have authority to issue special licenses to employees who, by reason of physical or mental condition, are incapable of earning the minimum fair wage rate established for the occupation in which they are employed. Said agency shall have authority to take assignment of wage claims at the request of women or minor employees paid less than the minimum wage to which they are entitled under a mandatory order, and to bring legal action necessary to collect such claims. Such employees shall be authorized, under the statute, to recover by civil action the full amount to which they are entitled under a mandatory fair-wage order.

"SEC. 6. Employers subject to the minimum wage law enacted in conformity herewith shall be required to keep specified records, including the names, addresses, occupations, hours, and wages, of the women and minors in their employ; to permit the inspection and transcript of such records by the State administrative agency and its authorized representatives; and, upon request, to furnish said agency with a sworn statement of the same. Employers shall further be required to post and maintain the notices regarding wage orders issued by the State administrative agency.

"SEC. 7. Each minimum-wage law so enacted shall contain provisions for appeal to the courts on questions of law by persons aggrieved by the decisions of said agency. Said law shall also contain a provision to the effect that in no case shall wage orders or decrees entered under a previously existing law be nullified until the provisions of the law enacted in conformity herewith have become operative and until new wage orders covering the same occupations have been entered and made effective.

"SEC. 8. Each minimum-wage law enacted in conformity herewith shall contain a saving clause to the effect that if any provisions of such law or its application be held invalid, the remainder of the law and its application elsewhere shall not be affected thereby.

"SEC. 9. Mandatory fair-wage legislation now in effect in any of the signatory States, and such legislation in course of passage in any of such States as is in conformity with the provisions of this compact, is hereby declared to meet the minimum standards required by this compact.

"SEC. 10. This compact as applied to minimum wage shall, when ratified by two or more States in accordance with the provisions of section 6 of title II, be in full force and effect in the States so ratifying the same.

"In witness whereof the Commissioners of the States of Connecticut, Maine, New Hampshire, New York, Rhode Island, and of the Commonwealths of Massachusetts and Pennsylvania have signed this compact in a single original, which shall be deposited in the archives of the Department of State of the United States of America at Washington, D. C., and of which a duly certified copy shall be forwarded to the Governor of each of the signatory States.

"Done at Concord, New Hampshire, this twenty-ninth day of May, in the year of our Lord one thousand nine hundred and thirty-four."

The history of the compact, presented by Mr. WALSH, is as follows:

HISTORY OF THE COMPACT

This compact is the outgrowth of the Eastern Interstate Conference on Labor Legislation held in Boston, Mass., in 1933. At this conference Governor John G. Winant, of New Hampshire, was appointed chairman of a committee of that conference to consider the form for a labor compact.

Shortly thereafter the Massachusetts Legislature adopted a resolve providing for the creation of a commission on interstate compacts affecting labor and industries. On October 10, 1933. a conference was held in Boston, Mass., comprised of Governors of the New England States and their representatives, which conference unanimously adopted a resolve providing for the appointment of commissions on interstate compacts by the Governors of the New England States.

The Governors of New York, Pennsylvania, and New Jersey have since appointed representatives or delegates to attend the joint conferences and negotiate with the commissioners and delegates from the other States. These commissions include representation of labor, industry, the State legislature, and the public.

The program of the conference calls for preparation of compacts on minimum wage, child labor, hours of labor, night work, and industrial home work.

Minimum-wage legislation was selected by the interstate conference as the first subject for a compact. Five of the States mentioned in the Massachusetts resolve already had minimum-wage laws, four of which were of the fair-wage type recommended by the National Consumers League in its standard bill. The conference has recommended substantially this type of legislation for its compact.

This minimum-wage compact is of the open type, and therefore becomes effective when ratified by two of the signatory States and approved by Congress.

It was ratified by the Massachusetts Legislature on June 1934. Massachusetts has also enacted legislation required to meet the proposed standards. New Hampshire has subsequently ratified this compact and already has on its statute books the legislation that meets the standards required by the compact.

Upon passage by Congress, this minimum-wage compact, having been approved and ratified by the Legislatures of Massachusetts and New Hampshire, will become the first interstate compact on labor legislation in the country.

HOUSE BILL REFERRED

The bill (H. R. 7980) to protect the revenue of the United States and provide measures for the more effective enforcement of the laws respecting the revenue, to prevent smuggling, to authorize customs-enforcement areas, and for other purposes, was read twice by its title and referred to the Committee on Finance.

AMENDMENTS TO SOCIAL SECURITY BILL

Mr. NORBECK submitted an amendment, and Mr. CLARK submitted several amendments intended to be proposed by them, respectively, to House bill 7260, the so-called "Social Security Act", which were ordered to lie on the table and to be printed.

DROP IN THE MARKET PRICE OF SILVER

During the delivery of Mr. LONG's speech,

Mr. McCARRAN. Mr. President——

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

Mr. LONG. I yield.

Mr. McCARRAN. As a parliamentary inquiry, let me ask if I should request the Senator from Louisiana to yield for the purpose of inserting in the RECORD a letter addressed by myself to the Secretary of the Treasury, and the Secretary's letter in reply, and if I should ask him to yield further for a request for unanimous consent for the introduction of a bill and its appropriate reference, would I take the Senator off the floor? If so, of course I should not interfere with his remarks.

The PRESIDING OFFICER. The Chair is advised that the Senator from Louisiana would yield the floor if he should yield for that purpose.

Mr. McCARRAN. Another parliamentary inquiry: If I should ask the Senator from Louisiana if he had ever heard of my letter addressed to the Secretary of the Treasury, and if he had ever heard of the Secretary's letter in reply to mine, would I take him off the floor?

The PRESIDING OFFICER. The Senator from Louisiana could yield for a question. He would not thereby lose the floor.

Mr. McCARRAN. In keeping with that suggestion, and pursuant to the question, could I have inserted in the RECORD both the letters to which I have referred?

The PRESIDING OFFICER. That would have the effect of removing the Senator from the floor.

Mr. LONG. I ask the Senator to let me have the letters. I will read them into the RECORD. I wish to do my friend all possible courtesy. If there is any other Senator who wishes to get something into the RECORD which would not be permitted otherwise, if he will hand it to me, I will read it into the RECORD.

Mr. McCARRAN. I place in the hands of the Senator from Louisiana my letter addressed to the Secretary of the Treasury on the subject of the Silver Purchase Act of 1934, and his reply thereto.

Mr. TYDINGS. Mr. President, before the Senator reads the letters, may I ask him a question?

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

Mr. LONG. I yield for a question.

Mr. TYDINGS. I do not wish to take the Senator off the floor, nor do I desire to take any unfair advantage of those on the other side; but I should like to ask the Senator from Louisiana if he will be so kind and courteous as to ask, in his time, that the documents which I hold in my hand, and which, under the Senate rules, have to be printed in the RECORD, may be sent to the desk for that purpose.

Mr. LONG. I do not believe I can do that. I can read them.

Mr. TYDINGS. May I ask the Senator from Louisiana if he knows that the documents which he now holds in his hand are petitions and memorials from the Territories owned by the United States, or a part of the United States, and under the Senate rules they are supposed to be printed in the RECORD? The Senator would not have to read them. He could ask that they be printed in the RECORD in his own time, and in that way accomplish the purpose.

Mr. LONG. Very well.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BARKLEY. Can the Senator who has the floor, at the request of another Senator, evade the rules in such a way as not to violate them by doing what the Senator himself could not do?

The PRESIDING OFFICER. The Chair is advised that the Senator from Maryland, under the rules, would have the right to bring the petitions to the desk and have them printed in the RECORD.

Mr. TYDINGS. In that case, if I may ask the Senator from Louisiana to return them to me, I will accomplish the purpose, and I know the Senator will not mind the delightful interlude which my request gave him.

The PRESIDING OFFICER. What the Senator from Maryland desires to do may be done without being done from the floor.

Mr. BARKLEY. Mr. President, a parliamentary inquiry. Does that constitute the transaction of business?

The PRESIDING OFFICER. The Chair is advised that that does not constitute the transaction of business.

Mr. LONG. Now I will read the letters, which I do out of courtesy for my friend from Nevada.

This is a letter written by the Senator from Nevada [Mr. McCARRAN] to Henry Morgenthau, Jr., the son of the man who was in the slot- chine business up in New York. [Laughter.] I read the letter:

JUNE 7, 1935.

Hon. HENRY MORGENTHAU, Jr.,
Secretary of the Treasury, Washington, D. C.

MY DEAR MR. SECRETARY: I am at a loss to understand the reason for the recent drop in the price of silver with its other attending phases, and therefore appeal to you for facts of which I am entirely uninformed.

Will you be so kind as to tell me whether the Treasury has sold any silver directly or indirectly through the stabilization fund or through any of its agencies; and, if so, in what quantities and at what price?

Will you also tell me what steps are being taken now by your Department to carry out the provisions of the Silver Purchase Act of 1934?

Lastly, will you kindly inform me as to what reason you attribute the recent fall in the price of silver, which fall was approximately 9 cents?

Frankly, I am concerned about the seeming failure to assure the country on the status of silver. Reports, which I assume, of course, to be wholly unfounded, are being circulated in the world markets to the effect that the United States is to abandon its silver policy; and from some source there seems to come an intimation that your Department was not intent in carrying out the provisions of the Silver Purchase Act. These rumors appear to be particularly persistent in India and China and, from what I can learn, are being circulated without refutation or authentic statements from the Department nor from any person or agency in this country most interested in silver. Cable reports from Shanghai assert that the rumors originate with certain Washington correspondents of the news agencies. Whether this be so, of course, I do not know; but in the absence of any positive statement from the Treasury or congressional circles, such rumors may continue, and it appears to me that something should be done to prevent a demoralization of the market.

I trust that you may see fit to tell an uninformed public that the provisions of the Silver Purchase Act are being enthusiastically carried out by the Treasury Department and that there is not the slightest basis for the rumors to which I have made reference; also that as soon as practicable silver will be equal to one-fourth the value of the monetary metal in the Treasury.

Assuring you of my continued cooperation in carrying out the provisions of the Silver Purchase Act, and with the hope that I may have your reply as soon as it is convenient, I remain,

Respectfully yours,

PAT McCARRAN.

The reply to this letter is as follows:

THE SECRETARY OF THE TREASURY,
Washington.

Hon. PATRICK McCARRAN,
United States Senate.

MY DEAR SENATOR: I refer to your letter of June 7, in which you ask me to furnish you certain facts in respect to our silver-purchase program.

I believe you will agree with me upon reflection that, since the purpose and operations of the stabilization fund are matters of American policy and primarily have to do with international exchange relations rather than domestic monetary matters, discussion of the operation of the fund would not be in the public interest. This has been the fixed policy of the Department since the fund was established. That this is generally appreciated is evidenced by the fact that no inquiry concerning the operation of the stabilization fund has come to the Treasury from any Member of the Congress or other officer of the Government. Only those primarily interested in speculation in silver would seriously question the wisdom of this policy.

I can, however, give you the facts with respect to the operations under the Silver Purchase Act and proclamations relating to newly mined silver. It is entirely consistent with the public interest that these facts should be made known, and they, therefore, furnish the best means of answering your questions.

In carrying out the policy declared in the Silver Purchase Act, and in accordance with the authority and direction therein given, the Secretary of the Treasury has acquired in the 10 months ending May 31, 1935, by purchase, 283,000,000 ounces of silver, as to

which delivery has already been made, and 112,850,000 ounces of silver under the nationalization order of August 9, 1934. During the same period, 25,647,000 ounces of newly mined domestic silver have been received under the Executive proclamation of December 21, 1933. In the aggregate, our stocks of monetary silver have been increased by 421,497,000 ounces.

The extent of these purchases may better be appreciated by a comparison of the amounts of silver which have been produced and consumed in the United States and in the world during the 10 months from August 1, 1934, to May 31, 1935. It is estimated that 25,700,000 ounces of silver were produced in the United States, of which 9,000,000 went into industrial use, leaving a net of only 16,700,000 ounces. During the same period, the Secretary of the Treasury received 16.4 times as much silver as was produced in the United States and 25.2 times as much of that production as was available for monetary use.

The whole world, it is estimated, produced only 156,000,000 ounces of silver during the 10 months from August 1, 1934, to May 31, 1935, of which 60,000,000 ounces were necessary for industrial use. The acquisitions of the Secretary of the Treasury during the same period exceeded the world production by about 265,000,000 ounces, and exceeded such of that production as was available for monetary purposes by more than 325,000,000 ounces. In other words, the receipts of silver were 2.7 times the total world production and 4.4 times the current world output of monetary silver.

The United States agreed at the London Conference to withdraw twenty-four and one-half million ounces of current newly mined silver from production every year. The receipts of silver under the Executive proclamation of December 21, 1933, alone more than comply with this agreement. During the 10-month period from August 1, 1934, to May 31, 1935, we have acquired for monetary purposes 401,100,000 ounces more silver than we agreed to by the London agreement. We have, in fact, withdrawn more than 20 times as much as we agreed to do.

The total amount of silver to be withdrawn each year by all other parties to the London agreement was 10,500,000. The United States alone has withdrawn during the 10-month period 421,497,000 ounces, or 44 times more than the other countries agreed in a whole year.

Under the Sherman Act of 1890 the Treasury purchased during the 3½ years of its operation 168,675,000 ounces. The Treasury has purchased and received delivery of two and one-half times that amount in the 10 months that the Silver Purchase Act has been in operation. Our monthly average purchases during the 10 months from August 1, 1934, to May 31, 1935, have been 10 times the average monthly purchases under the Sherman Act of 1890.

During the period 1920–30 it is estimated that the annual withdrawal of silver for monetary purposes for the whole world, including the United States, averaged approximately 200,000,000 ounces. During the past 10 months the United States has received more than twice the average annual amount taken by the whole world during that period. I have taken a 10-month period, for, as you doubtless know, delivery is usually made at the end of the month, and these figures are based upon deliveries.

The figures on a monthly basis are even more significant. Confining ourselves to actual receipts, during the past 10 months the Secretary of the Treasury has acquired and received delivery of silver averaging more than 42,000,000 ounces a month.

Concerning the policy and purpose of the Treasury Department in carrying out the letter and spirit of the Silver Purchase Act of 1934, the foregoing facts speak for themselves.

Referring to your last question concerning the recent course of the price of silver, I do not believe that the sudden and abnormal rise of the price to 81 cents in the latter part of April was the result of the normal operation of legitimate market forces. I think rather that it is to be attributed to manipulations of speculative interests. The disappearance of this unhealthy condition and influence has been a wholesome development.

Very truly yours,

H. MORGENTHAU, Jr., *Secretary*.

Mr. McCARRAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCARRAN. May I at this time give notice that I will, on some occasion within the next few days, address the Senate on the subject of my letter to the Secretary of the Treasury bearing on the subject of the Silver Purchase Act of 1934, together with his letter in reply thereto? If my giving notice under parliamentary rules would take the Senator from Louisiana off the floor, I shall not give it at this time; but, if it would not, then I shall give the notice.

The PRESIDING OFFICER. It would have that effect.

ADDRESS BY GOVERNOR EARLE UPON RECEIVING DEGREE AT LA SALLE COLLEGE, PHILADELPHIA

Mr. GUFFEY. Mr. President, I ask unanimous consent to have printed in the RECORD the address delivered by the Governor of Pennsylvania, Hon. George H. Earle, upon receiving the honorary degree of doctor of laws at La Salle College, Philadelphia, on Thursday, June 6, 1935.

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

I cannot tell you how honored I feel in being your guest today and in receiving the degree your college has bestowed upon me. I am proud of the distinction and deeply grateful for the opportunity you have given me to discuss some problems of public affairs that affect us all.

I am particularly impressed by the traditions and background of La Salle College; by the splendid and impressive living memorial erected here to the first great modern educator, Jean Baptiste de La Salle.

Into a world rife with class distinctions, where education, justice, and even life itself were denied to any save the nobility, La Salle projected his idea for education of all the people—the idea that was the foundation of our modern educational system.

La Salle was a great liberal. Coming from a distinguished and wealthy family, he laid aside a life of ease to devote himself to a great mission—that of freeing the serfs of his day from the chains of ignorance.

He opened schools of all kinds. He ministered to the spiritual and educational needs of the poor and provided food for them when they were hungry. Inaugurating mass education, he established for the first time the system of educating whole classes in specific subjects at the same time.

He broke with the tradition which made Latin, the badge of culture and the tongue of the learned, the official language of the schools. Instead, he decreed that the language of the schools he founded should be the native tongue of the people, thus helping to give those tongues a literature.

In the transforming of Europe, the spread of democratic ideals, the granting of justice to stricken peoples—in all of this the schoolrooms of La Salle played a mighty part. Louis XIV and his dynasty are buried in the pages of history, but La Salle, the humble teacher, the idealist, the reformer, lives on.

As the founder of the great teaching order of Christian Brothers, as the originator of the world's first normal school, as the untiring builder and author of an educational system designed to meet practical as well as spiritual needs, La Salle reached an eminence attained by very few and excelled by none.

Even above that was his devotion to the cause of the disinherited. In his own day La Salle was in the vanguard of the movement for human rights, and I sincerely hope that in this respect all of you will follow in his footsteps.

Having been educated by those wise and able men who are the spiritual descendants of Jean Baptiste de La Salle, and having come to learn the high ideals that were his, you can do less than to go forth from here dedicated to his principles and determined to carry them out in private and public life.

The triumph of such principles is particularly necessary in our national life today, when the welfare of millions of our people is threatened by economic conditions and when the power of the only agency we have to handle such great problems—the Federal Government—is at the moment seriously questioned.

I need not tell you that history is being made in this Nation. For the second time in our national life, we have reached the point where we must decide whether we are a loose federation of sovereign and autonomous States or a united people under one flag.

We have built a great country by tearing down the barriers between the States. We have permitted the free flow of commerce and industry between our borders, without regard for State lines. We have gone far in breaking down sectionalism. We have provided safeguards for business in interstate competition. Under a strong Federal Government we have become a mighty people, united by common political and economic bonds, closely linked and interdependent. Only on a national scale, with a National Government strong enough to cope with the problems of 120,000,000 people, could we have achieved the supremacy that is ours among the nations of the world.

The Supreme Court of the United States has ruled that the interstate-commerce clause in our Constitution applies only to goods in transit. Until that ruling was made our people assumed that this clause was intended to permit the Federal Government to intervene in one State when conditions arose that were harmful to business in another State.

There can be no mistaking the broad implications of the Supreme Court's decision. We have come to the point where, under strict interpretation of the Constitution, the right of the Federal Government to deal with the most vital national problems now before us is clouded with doubt.

The President himself has put the question:

"Is the United States going to decide that the Federal Government shall have no right under any written or implied power to enter into the solution of national economic problems, or are efforts to solve them to be restricted to the States?

"Has the Federal Government no right to take any part in trying to better national social conditions?"

Our own experience has taught us that to return national problems to the individual States is to return to chaos. Even in the solution of our local difficulties we are constantly hampered by our close relationship with other States. When we attempt to enact the most elementary social legislation business threatens to move into States that do not have such legislation. When we look for revenue sources we find that many avenues are closed by virtue of the fact that taxable assets may be withdrawn from the State.

Time and time again we are brought to a realization that as States we stand or fall together.

It would be futile to suppose that our 48 States ever could cope with national social and labor problems through local legislation. It would be the blindest folly to assume that industry would not be forced into destructive cutthroat competition, that the sweatshop operators and chiselers would not destroy the entire wage and hour structure of the Nation. No thinking person can seriously believe that business and industry as a whole will adopt the golden rule if governmental regulation is lifted. Under our present competitive system that is impossible, even if business and industrial leaders sincerely wanted it.

The President has said that the country must decide whether we are going to relegate control over national economic and social and working conditions to the 48 States, regardless of the fact that they have far-reaching effects outside the individual States.

He points out the alternative—that the Federal Government attain or restore the powers which rest in every other national government in the world, the right to legislate and administer laws for the solution of national economic and social problems.

These questions provide the greatest peacetime issue that has ever come before this country. Our answer will determine whether we are to go forward as a united Nation, or sweep aside all that we have built up in the last 100 years.

No one who has watched the developments of the past few years can doubt that we have gone through a revolution. Only the verdict of future historians can determine how sweeping that revolution was. Now, having achieved the first step in the reconstruction of our national life, we find that we may have to begin all over again.

No matter what the Supreme Court may rule on specific points of law, the recovery of business is not a matter for the States. The problem is too vast. Our people have assumed that as a matter of course, and the National Administration has gone ahead on that basis. Up to this time it has brought us through an orderly and bloodless revolution, providing the centralized authority which business needed for cooperative effort.

I believe that the people want the new deal. I believe they want it extended, amplified, strengthened. And if they want it, they will have it. The people are sovereign. All power, all authority, ultimately rests with them. They are above constitutions and governments, above courts and institutions. Governments exist only by their permission, and subject always to their pleasure.

Meanwhile the decision of the Supreme Court has placed an added burden upon our National and State Governments. President Roosevelt has before him the monumental task of preventing us from falling back into the chaos he found when he assumed office. He must find ways and means of holding the gains we have made until new machinery can be provided to carry on the work.

I am confident that he will do it well; that he will be equal to this crisis as he has been equal to all other crises. I believe in him. I believe in his ideals and principles. I believe in his courage and resourcefulness. I consider him the greatest statesman this Nation has seen in my time. He has done a great work for humanity, a work that only one of his broad vision and towering strength could have accomplished. Today that work is in danger, and our Nation must stand united lest it be destroyed.

As a citizen I advocated and worked for the election of President Roosevelt. As a candidate for public office I pledged myself to make his policies and his principles a part of the life of Pennsylvania. Since my inauguration I have consistently advocated and fought for those policies and those principles.

Today, as Governor of this Commonwealth—with its 10,000,000 people, its vast industries, its rich natural resources, its fertile farms, and far-flung commercial supremacy—I stand dedicated as unalterably as ever to the great liberal and humanitarian democracy of Franklin Delano Roosevelt.

The destruction of at least one great new-deal agency by court decree and the Nation-wide wave of destructive exploitation which has followed the collapse of Federal safeguards present a challenge to the people of America.

I will accept that challenge. I solemnly pledge that I will carry out, to the absolute limit of the authority vested in me as Governor, the mandate I have from the people of this Commonwealth to make the policies of the new deal effective in Pennsylvania.

Regardless of courts and constitutions, political parties, and the persecution complex of big business, we must and will have social security and justice for labor. Stark necessity demands it, and necessity knows no law. There is no force, no institution, no agency powerful enough to halt the march of progress.

I have no intention of criticizing the Supreme Court of the United States. I am sure that the decision of its members was the result of conscientious study, and was based upon weighty precedents. Nor do I advocate any hasty changes in our fundamental law. What I do believe is that any national government must have ample power to discharge its legitimate functions, and one of the most important of those functions is to provide for the general welfare.

The conditions of today present not only a challenge, but an opportunity, to the young and forward-looking citizens of our land. There is opportunity for great constructive public service; opportunity to establish a way of life based upon the Christian principle of human brotherhood. I hope and sincerely believe that all of you will grasp that opportunity.

REGULATION OF PUBLIC-UTILITY HOLDING COMPANIES

Mr. GORE. Mr. President, I ask unanimous consent to give notice of a motion to reconsider the vote by which Senate bill 2796 was passed.

The VICE PRESIDENT. The Chair did not understand the Senator's request.

Mr. GORE. I ask unanimous consent to give notice of a motion to reconsider the vote by which Senate bill 2796 was passed.

Mr. BARKLEY. I ask unanimous consent that the Journal of yesterday's proceedings be approved without reading.

Mr. McNARY and Mr. LONG addressed the Chair.

The VICE PRESIDENT. Just a moment. We are going a little too fast. The Senator from Oklahoma asks unanimous consent to enter a motion to reconsider the vote by which a bill was passed, as the Chair understands.

Mr. LA FOLLETTE. I object.

Mr. McNARY. May we know what the bill is, Mr. President?

The VICE PRESIDENT. It is Senate bill 2796. That is all the Chair knows about it.

Mr. McNARY. I am not satisfied with that information, and I shall object until a further explanation shall be made.

Mr. GORE. It is the bill to regulate public-utility holding companies.

Mr. LA FOLLETTE. I object, on the ground that no business can be transacted, in view of the pending motion.

Mr. GORE. That is why I asked unanimous consent.

The VICE PRESIDENT. The point raised by the Senator from Wisconsin is well taken.

Mr. LA FOLLETTE. I suggest the absence of a quorum.

The VICE PRESIDENT. The absence of a quorum being suggested, the clerk will call the roll.

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

Adams	Coolidge	Johnson	Pittman
Austin	Copeland	Keyes	Pope
Bachman	Costigan	King	Radcliffe
Bailey	Couzens	La Follette	Reynolds
Bankhead	Dickinson	Lonergan	Russell
Barkley	Dieterich	Long	Schall
Black	Donahey	McCarran	Schwellenbach
Bone	Duffy	McGill	Sheppard
Borah	Fletcher	McKellar	Shipstead
Brown	Frazier	McNary	Steiwer
Bulkley	George	Maloney	Thomas, Okla.
Bulow	Gerry	Minton	Thomas, Utah
Burke	Gibson	Moore	Townsend
Byrd	Glass	Murphy	Trammell
Byrnes	Gore	Murray	Tydings
Capper	Guffey	Neely	Vandenberg
Caraway	Hale	Norbeck	Van Nuys
Carey	Harrison	Norris	Wagner
Chavez	Hastings	Nye	Walsh
Clark	Hatch	O'Mahoney	White
Connally	Hayden	Overton	

Mr. BARKLEY. I wish to announce that the Senator from Arizona [Mr. ASHURST], the Senator from Mississippi [Mr. BILBO], the Senator from Kentucky [Mr. LOGAN], the Senator from Arkansas [Mr. ROBINSON], the Senator from Missouri [Mr. TRUMAN], the Senator from Illinois [Mr. LEWIS], the Senator from South Carolina [Mr. SMITH], and the Senator from Montana [Mr. WHEELER] are unavoidably detained from the Senate, and that the Senator from California [Mr. McADOO] is detained by important departmental matters.

Mr. AUSTIN. I announce that the Senator from Pennsylvania [Mr. DAVIS] is absent on account of illness, and that the Senator from Rhode Island [Mr. METCALF] and the Senator from New Jersey [Mr. BARBOUR] are necessarily detained from the Senate.

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

THE JOURNAL

Mr. BARKLEY. I ask unanimous consent that the reading of the Journal of the proceedings of the calendar day Tuesday, June 11, 1935, be dispensed with and that the Journal be approved.

The VICE PRESIDENT. Without objection——

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma desire to object?

Mr. GORE. Yes; if the rule really requires the reading of the Journal, I think it would be very illuminating to know what happened yesterday.

The VICE PRESIDENT. The rule requires the reading of the Journal only following an adjournment.

Mr. GORE. That was my understanding.

The VICE PRESIDENT. If the Senator desires to object for the moment——

Mr. GORE. No.

The VICE PRESIDENT. If there is no objection, the reading of the Journal is dispensed with and the Journal is approved.

MESSAGE FROM THE HOUSE

During the delivery of Mr. LONG's speech, a message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 6836) to provide for the printing and distribution of Government publications to The National Archives.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6323) to provide for the custody of Federal proclamations, orders, regulations, notices, and other documents, and for the prompt and uniform printing and distribution thereof, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SUMNERS of Texas, Mr. CELLER, and Mr. PERKINS were appointed managers on the part of the House at the conference.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 2591. An act for the relief of Lyman C. Drake;

H. R. 67. An act to repeal certain laws providing that certain aliens who have filed declarations of intention to become citizens of the United States shall be considered citizens for the purposes of service and protection on American vessels;

H. R. 2204. An act for the relief of Robert M. Kenton;

H. R. 2422. An act for the relief of James O. Greene and Mrs. Hollis S. Hogan;

H. R. 2466. An act for the relief of John E. Click;

H. R. 2553. An act for the relief of Eva S. Brown;

H. R. 2683. An act for the relief of Henry Harrison Griffith;

H. R. 4448. An act to provide funds for acquisition of a site, erection of buildings, and the furnishing thereof for the use of the diplomatic and consular establishments of the United States at Helsingfors, Finland;

H. R. 4798. An act 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;

H. R. 5456. An act relating to the powers and duties of United States marshals;

H. R. 5564. An act for the relief of Capt. Russell Willson, United States Navy;

H. R. 5720. An act to amend the National Defense Act of June 3, 1916, as amended;

H. R. 6371. An act to authorize an increase in the annual appropriation for books for the adult blind;

H. R. 6437. An act to amend Private Act No. 5, Seventy-third Congress, entitled "An act to convey certain land in the county of Los Angeles, State of California";

H. R. 6987. An act authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River at or near a point where Louisiana Highway No. 7 meets Texas Highway No. 87;

H. R. 7081. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Brownville, Nebr.;

H. R. 7781. An act to define the election procedure under the act of June 18, 1934, and for other purposes;

H. J. Res. 26. Joint resolution requesting the President to proclaim October 9 as Leif Erikson Day;

H. J. Res. 27. Joint resolution providing for extension of cooperative work of the Geological Survey to Puerto Rico;

H. J. Res. 204. Joint resolution authorizing the erection of a memorial to the late Jean Jules Jusserand;

H. J. Res. 285. Joint resolution to permit the temporary entry into the United States under certain conditions of alien participants and officials of the National Boy Scout Jamboree to be held in the United States in 1935; and

H. J. Res. 320. Joint resolution to extend from June 16, 1935, to June 16, 1938, the period within which loans made prior to June 16, 1933, to executive officers of member banks of the Federal Reserve System may be renewed or extended.

EXTENSION OF NATIONAL INDUSTRIAL RECOVERY ACT

The Senate resumed the consideration of the amendment of the House to the joint resolution (S. J. Res. 113) to extend until April 1, 1936, certain provisions of title I of the National Industrial Recovery Act, and for other purposes.

The VICE PRESIDENT. The question is on the motion of the Senator from Oklahoma [Mr. GORE] to lay on the table the motion of the Senator from Louisiana [Mr. LONG] to reconsider the vote whereby the Senate agreed to the amendment of the Senator from Oklahoma to the motion of the Senator from Mississippi [Mr. HARRISON] to concur in the amendment of the House with an amendment.

Mr. HARRISON. I ask for the yeas and nays on the motion to lay on the table.

The VICE PRESIDENT. Is the demand seconded?

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BULOW (when his name was called). On this vote I have a pair with the senior Senator from Illinois [Mr. LEWIS]. Therefore I withhold my vote.

Mr. McNARY (when his name was called). Again announcing, as on yesterday, my pair with the senior Senator from Arkansas [Mr. ROBINSON], I wish to state that if the Senator from Arkansas were present he would vote "nay", and if I were permitted to vote I should vote "yea."

Mr. SHIPSTEAD (when his name was called). On this vote I am paired with the junior Senator from Mississippi [Mr. BILBO], who, if present, would vote "nay." If permitted to vote, I should vote "yea."

Mr. THOMAS of Utah (when his name was called). On this vote I have a pair with the senior Senator from Rhode Island [Mr. METCALF]. I transfer that pair to the junior Senator from Missouri [Mr. TRUMAN] and vote "nay."

The roll call was concluded.

Mr. BARKLEY. I desire to announce the unavoidable absence of my colleague the junior Senator from Kentucky [Mr. LOGAN], who is paired with the senior Senator from Pennsylvania [Mr. DAVIS].

I also announce the absence of the senior Senator from Arkansas [Mr. ROBINSON], on account of important business, and to announce his pair with the senior Senator from Oregon [Mr. McNARY]. If present, the Senator from Arkansas [Mr. ROBINSON] would vote "nay."

I also wish to announce that the Senator from California [Mr. McADOO] is necessarily detained on departmental business.

I also announce that the following Senators are unavoidably detained from the Senate: The Senator from Arizona [Mr. ASHURST], the Senator from Mississippi [Mr. BILBO], the Senator from Illinois [Mr. LEWIS], the Senator from Missouri [Mr. TRUMAN], the Senator from South Carolina [Mr. SMITH], and the Senator from Montana [Mr. WHEELER].

Mr. AUSTIN. I wish to announce the following pairs on this question: The Senator from Pennsylvania [Mr. DAVIS] with the Senator from Kentucky [Mr. LOGAN], and the Sen-

ator from New Jersey [Mr. BARBOUR] with the Senator from Montana [Mr. WHEELER].

The result was announced—yeas 36, nays 44, as follows:

YEAS—36

Adams	Donahey	Lonergan	Reynolds
Austin	Duffy	Long	Russell
Bulkley	Frazier	McCarran	Schall
Byrd	Gibson	McGill	Steiwer
Capper	Glass	McKellar	Thomas, Okla.
Caraway	Gore	Neely	Townsend
Carey	Hale	Norbeck	Tydings
Couzens	Hastings	Nye	Vandenberg
Dickinson	Keyes	Overton	White

NAYS—44

Bachman	Clark	Hatch	O'Mahoney
Bailey	Connally	Hayden	Pittman
Bankhead	Coolidge	Johnson	Pope
Barkley	Copeland	King	Radcliffe
Black	Costigan	La Follette	Schwellenbach
Bone	Dieterich	Maloney	Sheppard
Borah	Fletcher	Minton	Thomas, Utah
Brown	George	Moore	Trammell
Burke	Gerry	Murphy	Van Nuys
Byrnes	Guffey	Murray	Wagner
Chavez	Harrison	Norris	Walsh

NOT VOTING—15

Ashurst	Davis	McNary	Smith
Barbour	Lewis	Metcalf	Truman
Bilbo	Logan	Robinson	Wheeler
Bulow	McAdoo	Shipstead	

So the motion to lay on the table the motion to reconsider was rejected.

The VICE PRESIDENT. The question is on the motion of the Senator from Louisiana [Mr. LONG] to reconsider the vote by which the Senate adopted the amendment of the Senator from Oklahoma [Mr. GORE] to the motion of the Senator from Mississippi [Mr. HARRISON] to concur in the amendment of the House with an amendment.

Mr. LONG addressed the Senate. After having spoken for a few minutes, he yielded to Mr. TYDINGS, and the following debate ensued:

Mr. TYDINGS. Mr. President, will the Senator from Louisiana yield?

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

Mr. LONG. I yield.

Mr. TYDINGS. I wish to say to the Senator that I should like to make a brief observation about the holding-company bill, because in the first instance it is going to the House, and then, perhaps, to conference, and I am afraid the Senate voted for a provision in connection with that bill which Senators did not fully understand. My remarks will take only a moment. I do not wish to interrupt the Senator, and if he would rather I should wait I will do so.

Mr. LONG. I do not want to lose the floor.

Mr. TYDINGS. To the holding-company bill which passed yesterday the Senator from Idaho [Mr. BORAH] offered an amendment, which was adopted, preventing holding companies from owning subsidiaries in more than the first degree. As I interpret that amendment, it accomplishes a purpose opposite to that for which it was offered.

The amendment had for its purpose the simplification of the subsidiary structure. Here is what would happen under the amendment: A holding company owns an operating company, but the operating company cannot own an appliance company because that would put the holding company in the second degree. Therefore, the holding company owns its appliance company separately. That makes the appliance company in the first degree to the holding company, and it makes the operating company in the first degree to the holding company.

The owners of the holding company instruct the operating company to sell the appliance company's products; so the employees of the operating company go around and sell the appliances of the appliance company. The expense of selling the appliances is, of course, borne by the operating company. The profit from the sale of the appliances goes to the appliance company, which is owned by the holding company. Therefore, the holding company is making the consumers of the operating company pay the expenses of selling the appliance company's products, and the holding company gets all the profit and has no expense whatsoever, as that is borne by the consumer.

If the amendment had been drafted in the second degree, as I believe the Senator from Idaho originally proposed it, the operating company would have owned the appliance company, and the profit as well as the expense would have accrued to the consumers of the operating company.

I do not wish to make any point now about the matter. I think that statement briefly explains the situation; but if the amendment is permitted to stay in the bill, I respectfully submit that we will have done just the opposite of what we expected to do when the amendment was adopted.

I was hoping to explain the matter yesterday when the hour of 4 o'clock arrived and the vote was taken, so that I did not have an opportunity to bring out this viewpoint.

Mr. SHIPSTEAD. Mr. President——

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

The PRESIDENT pro tempore. The Senator from Louisiana has the floor.

Mr. TYDINGS. If the Senator will permit me a moment more——

Mr. LONG. I yield for a question to the Senator from Minnesota.

Mr. SHIPSTEAD. I desire to ask the Senator from Maryland if he knows of any operating company now controlled by a holding company that is permitted by the holding company to own its own appliance company and take the profits of selling the appliances.

Mr. TYDINGS. I do not; but I do know that under the amendment offered by the Senator from Idaho, as finally adopted, the operating company would be precluded from owning its own appliance company, because that would make the holding company in the second degree to the appliance company. Do I make the matter clear to the Senator?

Mr. SHIPSTEAD. If a holding company owns an appliance company in the first degree and an operating company in the first degree——

Mr. LONG. Mr. President, if I am to yield for a question, I must hear these Senators. I do not wish to yield to any discussion that will take the floor away from me.

The PRESIDENT pro tempore. If the Senator makes the point of order, the Chair will sustain it.

Mr. LONG. I do not make the point of order.

Mr. TYDINGS. Mr. President, I desire to ask the Senator from Louisiana if he understands that under the bill passed yesterday the holding company would instruct the operating company to sell the appliances of the appliance company, and the operating company would bear all the expense of selling the appliance company's appliances, yet the profit would go to the appliance company, and from the appliance company to the holding company; so that the consumers of the operating company would pay to the appliance company, and through them to the holding company, all the expense of selling the appliance company's products?

Mr. SHIPSTEAD. May I ask the Senator a question?

Mr. TYDINGS. The Senator will have to ask the question of the Senator from Louisiana.

Mr. LONG. I yield to the Senator from Minnesota, if permitted to do so, for a question.

Mr. SHIPSTEAD. Is not that their condition now?

Mr. TYDINGS. Yes; but, if the Senator will yield——

Mr. LONG. I yield again.

Mr. TYDINGS. May I ask the Senator from Louisiana whether he does not feel that there is some merit in this contention.

Mr. BLACK. Mr. President, will the Senator from Louisiana yield to me for a question?

Mr. LONG. I yield for a question to the Senator from Alabama.

Mr. BONE. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator from Washington will state the point of order.

Mr. BONE. This colloquy is very interesting, but those of us in this corner of the Chamber would like to hear what is going on, if we may have a little order.

The PRESIDENT pro tempore rapped for order.

Mr. TYDINGS. Mr. President, will the Senator from Louisiana yield for a question?

Mr. LONG. I yield for a question.

Mr. BORAH. Mr. President——

Mr. LONG. I yield to the Senator from Maryland for a question.

Mr. BORAH. I desire to ask a question.

Mr. LONG. I yield to the Senator from Idaho.

Mr. BORAH. Does the Senator from Louisiana desire to retain the floor?

Mr. LONG. Yes, sir.

Mr. BORAH. Then we had better go ahead with the business before the Senate.

Mr. TYDINGS. Mr. President——

Mr. LONG. I yield for a question.

Mr. TYDINGS. I desire to ask the Senator from Louisiana a question.

Mr. LONG. That is all right. I am perfectly willing to yield for that purpose.

Mr. TYDINGS. Is it not the Senator's understanding that the purpose of the holding-company bill passed yesterday was to prevent the holding company from taking from the consumers of the operating company profits which it had not earned? I ask the Senator that question.

Mr. LONG. I do not know.

Mr. BLACK. Mr. President, may I ask the Senator a question?

Mr. TYDINGS. Will the Senator yield for another question?

Mr. LONG. I yield first to the Senator from Alabama. Then I will yield to the Senator from Maryland.

Mr. BLACK. May I ask the Senator from Louisiana if it would not be a very easy method of escaping from any such dire catastrophe for the operating company to sell its own appliances, without creating a corporation for that purpose?

Mr. LONG. I do not know.

Mr. BLACK. And if the holding company might accomplish the disastrous purpose suggested by controlling another company, would not the way to deal with that situation be to prohibit holding companies even in the first degree, and let corporations do their own business, as the law originally contemplated?

Mr. LONG. I do not know.

Mr. TYDINGS. Mr. President, will the Senator yield for a question?

Mr. LONG. I yield for a question.

Mr. TYDINGS. I should like to ask the Senator from Alabama if he does not think what I have presented does exactly what the Senator from Alabama desires to have done; namely, under the present set-up the operating company cannot own its appliance company? I should like to have the attention of the Senator from Alabama.

Mr. COUZENS. Mr. President, a parliamentary inquiry.

Mr. TYDINGS. Can I be interrupted for that purpose?

The PRESIDENT pro tempore. Always. The Senator from Michigan will state his parliamentary inquiry.

Mr. COUZENS. I should like to know who has the floor.

The PRESIDENT pro tempore. The Senator from Louisiana originally had the floor.

Mr. LONG. I yielded for a question.

Mr. TYDINGS. And therefore I am asking the Senator a question, if I can ever get the attention of the Senator from Alabama [Mr. BLACK].

Mr. COUZENS. I do not understand these post mortems after a bill has passed.

Mr. TYDINGS. I thought the Senator desired to make a parliamentary inquiry, but he made a speech. I asked the Senator from Louisiana if it was not the purpose of the bill passed yesterday to eliminate from the holding company profits which were made at the expense of the operating company, but in which the operating company did not share; and he said he thought it was, as I recall.

Mr. LONG. I said I did not know.

Mr. TYDINGS. Let me ask the Senator if it is not a fact that the operating company cannot own the appliance company if the operating company is owned by the holding company, because that would make the appliance company in the second degree. Under that set of facts, the appliance company is owned separately by the holding company, and the personnel of the operating company sells the appliances of the holding company, and the profits go to the appliance company, whose profits in turn go to the holding company, and the whole burden is on the back of the operating company.

Mr. LONG resumed his speech. After having spoken for about 5 hours, he yielded to Mr. THOMAS of Oklahoma, and the following debate ensued:

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. THOMAS of Oklahoma. I suggest the absence of a quorum.

Mr. HARRISON. Mr. President, I did not understand the request.

Mr. THOMAS of Oklahoma. I suggested the absence of a quorum.

Mr. HARRISON. Of course, I do not want to interfere with the speech of the Senator from Louisiana, but I will have to insist upon the rules with reference to the speech, that no Senator shall be permitted to speak more than twice in one day on the same subject matter.

Mr. LONG. Mr. President, that gives me another speech after this one.

Mr. HARRISON. I do not raise the point of order. I am just stating the rule of the Senate in respect to that matter.

Mr. LONG. It has never been the rule of the Senate that a quorum call shall be interpreted as bringing a speech to a conclusion, as I understand. That has never been the rule of the Senate. If the Senator invokes such a rule he invokes something which has never been done before.

Mr. GORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GORE. Cannot the Senator from Louisiana yield for the purpose of a quorum call without losing his status?

The PRESIDING OFFICER. Under the rules of the Senate he can yield.

Mr. GORE. For the purpose of another Senator raising a point of no quorum?

The PRESIDING OFFICER. Yes.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HARRISON. If the Senator yields for a point of no quorum to be made, does the Chair rule that he can continue his speech under the rule of the Senate that no Senator can speak more than twice on the same subject matter on the same day?

The VICE PRESIDENT. Is there a parliamentary question before the Senate?

Mr. HARRISON. I made a parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state it.

Mr. HARRISON. The inquiry is, If the Senator yields for the point of no quorum to be made, will that be construed, under the rules of the Senate, as not coming under the rule which provides that a Senator cannot speak more than twice on the same subject in the same day?

The VICE PRESIDENT. Under the practice of the Senate a Senator yielding for the purpose of giving another Senator an opportunity of raising the point of no quorum does not yield the floor. That is the universal practice of the Senate.

Mr. HARRISON. What if he should yield twice?

The VICE PRESIDENT. It does not terminate his speech.

Mr. LONG. Very well.

The VICE PRESIDENT. That is the practice of the Senate. The Chair is so advised by the parliamentary clerk, who has been here longer than has the Chair. The clerk will call the roll.

Mr. CLARK. Mr. President, what business has been transacted since the last quorum call?

The VICE PRESIDENT. There has been none, so far as the Chair knows.

Mr. LONG. Mr. President, the Senate refused to table the motion of the Senator from Oklahoma. That question has been voted on.

The VICE PRESIDENT. That was done before the Senator from Louisiana took the floor.

Mr. CLARK. That roll call, Mr. President, developed the quorum.

Mr. LONG. There has been business transacted since the last quorum call.

Mr. CLARK. I make the point of order that there has been no business since the last quorum call.

Mr. LONG. Mr. President, there has been plenty of business transacted since the last quorum call.

The VICE PRESIDENT. The Chair is advised that the Senate voted on a motion, and the vote on that motion developed a quorum, and under the practice of the Senate that does not count as a quorum call.

The clerk will call the roll.

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

Adams	Coolidge	Keyes	Pope
Ashurst	Copeland	King	Radcliffe
Austin	Costigan	La Follette	Reynolds
Bachman	Couzens	Lewis	Russell
Bailey	Dickinson	Lonergan	Schall
Bankhead	Dieterich	Long	Schwellenbach
Barkley	Donahey	McCarran	Sheppard
Black	Duffy	McGill	Shipstead
Bone	Fletcher	McKellar	Smith
Borah	Frazier	McNary	Steiwer
Brown	George	Maloney	Thomas, Okla.
Bulkley	Gerry	Minton	Thomas, Utah
Bulow	Gibson	Moore	Townsend
Burke	Glass	Murphy	Trammell
Byrd	Gore	Murray	Tydings
Byrnes	Guffey	Neely	Vandenberg
Capper	Hale	Norbeck	Van Nuys
Caraway	Harrison	Norris	Wagner
Carey	Hastings	Nye	Walsh
Chavez	Hatch	O'Mahoney	White
Clark	Hayden	Overton	
Connally	Johnson	Pittman	

Mr. LEWIS. I announce the absence of the junior Senator from Mississippi [Mr. BILBO], the junior Senator from Kentucky [Mr. LOGAN], the junior Senator from Missouri [Mr. TRUMAN], the junior Senator from Illinois [Mr. DIETERICH], and the senior Senator from Arkansas [Mr. ROBINSON], all necessarily detained.

The VICE PRESIDENT. Eighty-six Senators have answered to their names. A quorum is present. The Senator from Louisiana has the floor.

Mr. LONG resumed his speech. After having spoken for about an hour and a half, he yielded to Mr. McCARRAN to suggest the absence of a quorum, and the following debate ensued:

Mr. McCARRAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. MINTON in the chair). The Senator will state it.

Mr. McCARRAN. In view of the subject now being discussed by the able Senator from Louisiana, especially at this hour of the day, I am wondering, under the parliamentary rule, if the Senator from Louisiana should yield for the purpose of a quorum call under a suggestion of the absence of a quorum, whether he would lose the floor.

The PRESIDING OFFICER. No; he would not.

Mr. McCARRAN. Then I suggest the absence of a quorum.

Mr. BARKLEY. Mr. President, I make the point of order that no business has been transacted since the last call of a quorum.

The PRESIDING OFFICER. The vote on the appeal of the Senator from Oklahoma from the ruling of the Chair constituted the transaction of business, so there has been business transacted since the last quorum call.

Mr. BARKLEY. Does the Chair hold that the vote on an appeal from a decision of the Chair, holding that there had been no business transacted since the last quorum call, constitutes business?

The PRESIDING OFFICER. Under the precedents, it does. The Senator from Nevada has suggested the absence of a quorum. The clerk will call the roll.

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

Adams	Copeland	Lewis	Russell
Ashurst	Costigan	Lonergan	Schall
Austin	Dickinson	Long	Schwellenbach
Bachman	Duffy	McCarran	Sheppard
Bailey	Frazier	McGill	Shipstead
Bankhead	George	McKellar	Smith
Barkley	Gerry	McNary	Thomas, Okla.
Black	Gibson	Maloney	Thomas, Utah
Bone	Gore	Minton	Townsend
Borah	Guffey	Moore	Trammell
Brown	Hale	Murphy	Tydings
Bulkley	Harrison	Murray	Vandenberg
Burke	Hastings	Norris	Van Nuys
Byrnes	Hatch	O'Mahoney	Walsh
Capper	Hayden	Pittman	
Clark	King	Pope	
Connally	La Follette	Radcliffe	

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

Mr. LONG's speech is printed entire as follows:

Mr. LONG. Mr. President, yesterday I made the motion to reconsider. I should like to have a copy of the vote just taken if the clerk will favor me with it. The question now before the Senate is my motion to reconsider. I want to find out just what the situation is. There are a number of absentees. In voting on my motion I should want the full Membership present. I do not desire to call for a quorum if it can be avoided.

I notice a number of Senators have changed their positions both ways since yesterday. I want to congratulate those who voted my way this morning and also regret that any have seen fit to vote the other way. I cannot understand just how it could be that the vote is 37 to 44.

I am reading from the vote just taken, and while I am familiarizing myself with it I want the Senate to understand that I propose to discuss my motion to reconsider. I want to deliberate with this deliberative body and find out whether we are going to proceed further with the consideration of my motion or whether we shall take up some other bill. Someone said to me this morning if I undertook to discuss my motion it would interfere with another bill that he wished to bring up today. I desire to assure the Senate I have no idea whatever of having my motion interfere with bringing up any other bill, but I do want to find out if I can, before we vote on my motion to reconsider, whether or not this is the real representative sentiment of the Senate.

There seem to be a number of absentees. I notice the junior Senator from Mississippi [Mr. BILBO] is absent. The Senator from Arizona [Mr. ASHURST] was absent. I note the absence of the Senator from Pennsylvania [Mr. DAVIS]. He may be paired. The junior Senator from Kentucky [Mr. LOGAN] is absent, but paired, and perhaps some others were paired. The Senator from Illinois [Mr. LEWIS] is paired. The Senator from California [Mr. McADOO] is absent this morning. There is absence noted of the senior Senator from Arkansas [Mr. ROBINSON], who is paired. The Senator from Minnesota [Mr. SHIPSTEAD] is not recorded as voting.

Mr. SHIPSTEAD. Mr. President, the Senator from Minnesota announced his pair with the junior Senator from Mississippi [Mr. BILBO].

Mr. LONG. Very well. The Senator from South Carolina [Mr. SMITH] was not here this morning. The Senator from Missouri [Mr. TRUMAN] was absent yesterday and is absent this morning. The Senator from Montana [Mr. WHEELER] is not present this morning.

I doubt if the vote just taken represents the sentiment of the Senate. There may be some who would like to have the matter debated.

(At this point Mr. LONG yielded to Mr. TYDINGS, and debate ensued on Senate bill 2796, to regulate public-utility holding companies.)

Mr. LONG. Mr. President, in answer to that question I again state that I do not know.

I have not had the time, as I said a moment ago, to go into the votes cast on the motion to table. I have made in good faith the motion to reconsider. It may be that Senators do not desire this motion to prevail. I can see how Senators could well have voted that way. In other

words, I myself voted to table the motion, as was well understood, for good reasons and good purposes. It may be that there are still Members of the Senate who, rather than have the distinct pleasure of voting against the Senator from Oklahoma [Mr. GORE] by himself, would like also to vote against any motion that I make.

In other words, as was remarked here by my friend from Tennessee [Mr. MCKELLAR] the other day, it may be that I cannot carry this motion. I warn Senators, and I particularly warn my friend from Tennessee, that if this motion shall prevail it will show that I am a powerful Member of this body. [Laughter.] It will show that after Members of the Senate have gone on record as to what they believe to be a proper stand, upon my making a motion they change and go the other way. It will practically prove that the Senate of the United States is operating according to my whims, rather than according to the Senators' own opinions, if this motion shall prevail.

I venture the assertion that the Senator from Tennessee is going to vote with me today if he gets a chance.

What has come over Senators to bring about this immense change? Why have they come here today with such great solicitude to stand against tabling my motion when they did not take that position 24 hours ago? Is it because of the reports from back in the country that the share-our-wealth movement is gaining such momentum that Senators now are afraid that if they do not stand with me it will displease their constituents? Is that the reason? I pause for a reply if there is any other reason. Is it for the reason that the Senator from Tennessee [Mr. MCKELLAR], after having sent out word to his constituents that he was opposed to anything I was for, has found it so displeasing to his constituents that both he and his colleague [Mr. BACHMAN] now have had to place themselves on record the other way? Something is in the way.

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

Mr. LONG. I yield.

Mr. BACHMAN. I deny the right of the Senator from Louisiana to criticize my action in any way, and I resent it.

Mr. MCKELLAR. Mr. President, in carrying out my conscientious views I greatly regret that it is sometimes necessary for me to vote on the same side with the Senator from Louisiana [laughter]; but when I do so, I wish to assure the Senator from Louisiana that it makes me feel doubtful of my own position. I think I must be wrong in some way when I find myself voting on the same side with the Senator from Louisiana, because I know the Senator is so generally wrong that I can hardly believe he is right at any time. [Laughter in the galleries.]

Mr. TYDINGS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Chair will announce to the guests of the Senate in the galleries that any audible conversation or laughter or other expressions from the galleries interfere with the proceedings on the floor of the Senate, and the Chair, therefore, hopes there will be no further demonstrations.

Mr. MCKELLAR. Do not be too hard on them.

Mr. TYDINGS. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. TYDINGS. May the Senator from Louisiana yield for any other purpose than for a question?

The PRESIDENT pro tempore. He may not if a point of order is made.

Mr. TYDINGS. The Senator from Maryland makes the point of order, in order that the rule may apply equally to all Senators, and not apply only to the Senator from Maryland.

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

Mr. LONG. I yield for a question. I will ask Senators who understand the rules and observe the rules to reflect that I can yield only for a question without surrendering the floor. I yield to the Senator from Kentucky.

Mr. BARKLEY. I believe the Senator has stated that the pending measure is his motion to reconsider.

Mr. LONG. Yes.

Mr. BARKLEY. The Senator has referred to it with some pride.

Mr. LONG. Yes.

Mr. BARKLEY. Is the Senator prepared to vote for his own motion to reconsider?

Mr. LONG. I am going to find out about that after I have reasoned the matter out with myself and my colleagues.

Mr. BARKLEY. Those of us who would like to be with the Senator whenever it is possible would like to have a chance to vote with him on a motion he makes.

Mr. LONG. Is the Senator from Kentucky going to vote with me this time?

Mr. BARKLEY. If the Senator votes for his own motion, I will be with him.

Mr. LONG. Then there must be something wrong with the motion. [Laughter.]

Mr. BARKLEY. I thought that when the Senator made it.

Mr. LONG. Mr. President, evidently there is some mix-up here, and it could only have occurred in connection with a bill of this kind. We are in a very tangled mess. I doubt if we will get this thing straightened out by Sunday night. The way we are going now everything is in confusion.

I beg the pardon of the junior Senator from Tennessee [Mr. BACHMAN] for referring to him at all. It is my fault.

My friend the senior Senator from Tennessee [Mr. MCKELLAR] says he is doubtful when he votes on the side I am on. I have the same feeling sometimes, except for the fact that I know there is no malice in the heart of the Senator from Tennessee. I know he is a man without malice.

But I cannot give the Senator from Tennessee all the mention here. He is not entitled to all the mention. For instance, take the case of my friend from Missouri, who voted with us yesterday. He did not vote that way today. He has good reasons, no doubt, for his change of position. However, there might not be any change of position. The Senator from Missouri might want to vote against my motion. Having voted for the motion of the Senator from Oklahoma, that would have given him no chance then to express himself on how he felt with regard to a motion I make, because, as was said by our illustrious leader, the Senate does not vote on merit on some matters I submit. As the Senator from Tennessee said, if I should offer the Lord's Prayer here, it could not carry. That was said some days ago. So it may be that whether or not a motion shall prevail depends on who makes the motion.

Mr. President, the particular case we have just passed upon does not involve a big principle. It involves only the determination of whether or not Senators are Senators.

This is the N. R. A. measure. As everybody knows, the N. R. A. is another form of government, not exactly another form of government, I made a mistake; it is another government. N. R. A. is another government. It is not only another government, it has a President and a Senate and a House of Representatives of its own. It has a high court of its own, and several courts under that court. It has a flag of its own. It has law books of its own, rules of its own, regulations of its own, and God knows what else it has.

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

Mr. LONG. I yield.

Mr. CLARK. Did the Senator vote for the N. R. A. when it was passed?

Mr. LONG. No; I did not.

Mr. CLARK. Does the Senator mean to say that he did not vote for the act establishing the N. R. A.?

Mr. LONG. I still say that I voted against the N. R. A.

Mr. CLARK. Will the Senator yield?

Mr. LONG. I yield for a question.

Mr. CLARK. Did the Senator vote for the act providing for the establishment of the N. R. A.?

Mr. LONG. I did. [Laughter.] And the Senator from Louisiana also voted——

The PRESIDENT pro tempore. The Chair must repeat that there must be order in the galleries or the Chair will order the galleries cleared.

Mr. LONG. The Senator from Louisiana also voted to strike N. R. A. out of the bill at all times.

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

Mr. LONG. I yield for a question.

Mr. CLARK. The Senator did vote for the final passage of the bill which did contain the provision for the establishment of and the authorization for the N. R. A.?

Mr. LONG. Yes.

Mr. CLARK. And changed his vote at the last minute.

Mr. LONG. I voted also to strike N. R. A. out, and never did change the vote to strike N. R. A. out of the bill. I voted to strike it out of the bill, and not only that, I am still voting against the N. R. A. I am not changing my votes, either. The Senator from Missouri has not changed his vote on this matter yet. I do not think he will.

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

Mr. LONG. I yield.

Mr. CLARK. Let me say to the Senator from Louisiana that I am in no manner whatever accountable to him for any vote I may see fit to cast, and that my motives for casting any vote are none of his business.

Mr. LONG. I am glad to hear that. I do not want to be held responsible for what the Senator from Missouri does. [Laughter.]

Mr. CLARK. The Senator never will be.

Mr. LONG. I should regret very much to be; and I think that will be good information to people in both our States. It is always a good idea to have it understood, if you are a Member of the United States Senate, that you vote your own convictions. I accord to my colleagues that each of them votes his own convictions, and is under nobody's influence as to how he votes. I am glad that the Senator from Missouri has made that point clear in his remarks, and if I should be asked to yield to the other 94 Members of the Senate I would also be glad to let them have it understood in the RECORD today that they vote their convictions. This is not exactly an experience meeting but it has that aspect.

N. R. A., as I was saying—and I am going to have to repeat, because I want it understood by my friend from Kentucky, who says he wants to vote with me whenever he can—N. R. A. is a new law. U. S. A. is one Government that is in the United States. U. S. S. R. is another Government. U. S. S. R.—U. S. A.—N. R. A. In other words, it is a matter of the vanishing point wherever the "N. R." takes the place of the old-time leaders of the Government.

It has the Blue Eagle. That is the insignia instead of the Stars and Stripes. What is the Blue Eagle supposed to represent? It is supposed to represent power, not good will. Ever since I can remember the bald eagle was held up to me as a frightful sign. Back in the woods where I came from we heard of the bald eagle coming and stealing and eating children, taking them in its talons and carrying them to some far-away nest, stripping their flesh from the bones, and leaving them there, probably not to be discovered for ages. Always it was a frightful sign for the eagle to be given out as an insignia under which one operated.

The N. R. A., which we have under consideration today, was the beginning of this new form of government. It began the emasculation of the Congress. There is no Congress under N. R. A. There is no court under N. R. A. There is no President under N. R. A.

Antitrust laws have been fought for in this country for a hundred years, but there are no antitrust laws under N. R. A. But we have, under the system for which the N. R. A. was the guiding spirit, an entirely different system of government altogether, and after its sponsors had passed the N. R. A. they undertook to make it definitely certain that whatsoever was done would be something that carried out the purpose to do away with the Congress of the United States.

What was the first thing they undertook to do in emasculating the Congress of the United States? There was a law that had been on the books ever since the Republic had existed which stipulated that people in charge of big affairs in this Government had to be appointed by the President and confirmed by the United States Senate. It is still the law that a postmaster drawing from $1,500 to $2,000 a year has to be confirmed by the United States Senate before he can be a postmaster.

There is another law, however, which provides that during a recess of Congress the administration may appoint someone to serve ad interim, or that they may appoint an acting postmaster, but that as soon as possible the Postmaster General shall submit to the President or the President shall submit to the Senate the name of a postmaster to take the place of the acting postmaster, and the law reads "as soon as possible."

Down in New Orleans, La., last summer 1 year ago they appointed an acting postmaster, in the year 1933, and that acting postmaster has been acting postmaster down there for the last 2 years. He has been acting postmaster during two entire sessions of Congress, and they have never submitted his name to the United States Senate for approval, and they have never submitted the name of anybody else to the United States Senate for approval to be postmaster at New Orleans.

Today in Louisiana there is not a Federal official whose name has been submitted to the United States Senate, except one, whose name was submitted and rejected by the Committee on the Judiciary, and whose name was withdrawn from the United States Senate.

I ask Senators, using that State as an example, because it is not the only State where this destruction has shown its effect, is it a good thing to do unconstitutionally what we cannot do constitutionally? Do we have a Constitution or do we not have a Constitution? Do we have laws or not? If we have a law, why is it not just as much the duty of the President of the United States and the Cabinet of the United States to observe that law as it is for any man who is sent to jail for not observing it? What more right has the President of the United States or the Postmaster General to defy the law and violate the law than any other man in the United States?

There is talk about having law and order in the United States in one breath, and there is talk of telling me to go out and shoot every man who violates the law in the same breath, and yet in the next breath we have the pronouncement made by the Postmaster General, who did not dare have himself investigated by the Senate of the United States, because he knows they will find him with the blood of a thousand frauds in his teeth, who comes in and says, instead of observing the law, "I am not going to submit any name to the United States Senate, because if I did the United States Senate would not approve him; therefore I will not observe this law which has been passed by the Congress of the United States."

We have a statute on our books. I hope the Senator from Maryland [Mr. TYDINGS] will not leave for one moment.

Mr. TYDINGS. The Senator from Maryland has to leave for 15 minutes in order to keep an appointment.

Mr. LONG. We have a statute on our books which says—and I desire the attention of Senators—

> Whoever conspires to violate any law of the United States is guilty of a crime himself. Whosoever conspires with one or more other persons for the purpose of violating or not observing a law of the United States must go to the penitentiary. Whoever conspires to violate any law is guilty of a penitentiary offense.

Did not the Postmaster General give out an announcement that after consultation with his cohorts they had concluded to violate the law which required names to be sent to the United States Senate? He openly defied the law. He said, "Not only have I decided to violate it, but there has been set forth, in effect, a conspiracy which has been arranged between myself and my cohorts by which we have decided not to violate 1 law, but 2 laws, 10 laws, 100 laws, a thousand laws." If there ever was a criminal conspiracy which had 10,000 or 100,000 violations hung onto it, it has been this proposition not to send names to the United States Senate.

We in the Senate have stood for most of it—that is, my colleagues have, and I have had to. I could not help myself, and the majority of my colleagues have had to do what they thought was the best thing, according to their conscience and

their good motives, and we have stood for it the best we knew how. Now and then there has been a voice raised against it besides my own, but nothing comes of it.

Finally the Supreme Court of the United States, by a unanimous decision, did say that Congress ought to stay in session and legislate a little bit itself. I was really surprised, Mr. President, at the unanimous decision of the Supreme Court of the United States. I did not expect it. I did not anticipate it. I never for the life of me thought that a unanimous decision would come down which I knew ought to come down.

After I spoke on the floor of the Senate for nearly 3 hours against the N. R. A.; when I advised these important Democrats and important Progressives here that the N. R. A. was unconstitutional in that they had no right to prescribe the laws which they undertook to prescribe, and had no right to vest in one man the right to make laws, which even a Congress ought not to make, all what I said was resaid in better language by the Supreme Court of the United States, and not one thing that I said has been other than upheld by the Supreme Court of the United States. Yet our statesmen in this body are the gentlemen who led us on that blind path, and have come here with another blue buzzard, called the "N. R. A.", that must be put through here before Sunday night at 12 o'clock.

It is said this bill must be passed. They have hammered many half-baked measures of this kind through the Senate.

What is this measure to do? Only naturally some Senators felt that there was a genuine intention to observe the Constitution. We had been led to believe that those in charge of this legislation wished to observe the Constitution of the United States. We who had been led to believe that to be true, actually undertook to observe the Constitution of the United States, so we hooked onto N. R. A. a provision which would have compelled no new law, but an observance of the law which is now on the books. Remember this. I desire the Chair to remember it, and I desire my colleagues to remember it. Senators who vote against requiring the United States Senate to confirm these appointees not only vote against the new provisions of this bill but they actually vote against requiring those who appoint them to keep the law as it is now on the books.

It has so happened that every time we have undertaken to get written onto the books some kind of a provision which would have made them keep the word of the law which is now on the books, something has to occur by reason of which such a provision must be excluded on account of the bill being such that some man thinks it should be kept free from that provision; that nothing ought to be tied onto it which could interfere with its hasty enactment.

Mr. President, we have acted entirely too hastily already. We have gone entirely too fast. In fact, I think every Senator here knows that.

Mr. President, I have not yet undertaken, as I probably should have done, to compare two decisions of the United States Supreme Court. However, I am informed that the United States Supreme Court has held the municipal bankruptcy law to be constitutional. I voted against that bill. Then I understand they have held the Frazier-Lemke law to be unconstitutional. I voted for that bill. I was of the opinion that unless the Supreme Court went along the line of declaring the municipal bankruptcy law constitutional and, perhaps, some of the N. R. A. constitutional, it would not declare the Frazier-Lemke law constitutional. However. I do not understand yet—though I believe the Court, no doubt, had found reasons for its views—how the municipal bankruptcy law has been held constitutional and the Frazier-Lemke bankruptcy law has been held unconstitutional. I thought there were many more reasons why the Frazier-Lemke law should be held constitutional than for the municipal bankruptcy law to be held constitutional.

Mr. BORAH. Mr. President——

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

Mr. LONG. I yield.

Mr. BORAH. Will the Senator advise me in what case the Supreme Court passed upon the municipal bankruptcy act?

Mr. LONG. I understand there was some case which came to the Supreme Court in which it was passed upon. I have not looked that up. The Court did not entirely pass on the whole act, but passed upon some section of it. I will inquire from the Senator if he knows just what that case it?

Mr. BORAH. I have not heard that the Supreme Court has passed on it. I am asking for information.

Mr. LONG. I must confess that I only had the word of an excellent lawyer who told me that, and I did not take the time to look up the decision. However, I hope the Senator from Idaho is correct that there has been no decision on the municipal bankruptcy law. If that is true, then I must change my remarks and express a greater confidence in the Supreme Court of the United States until it does declare the municipal bankruptcy law constitutional.

In my State of Louisiana we pay our debts. Louisiana pays its debts, Mr. President. We paid the debts of our predecessors who squandered our money. We paid the debts of the carpetbaggers who came down there. Notwithstanding the fact that following the Civil War the carpetbaggers overran our State, took charge of the legislature, and with a prostituted government down there issued series of bonds after series of bonds for nothing except graft and squandering to the tune of $11,000,000 worth of them, the State of Louisiana, none the less, is paying every dollar of those carpetbag debts which were laid upon us during the Civil War. Why? Because we want the faith and credit of the State of Louisiana preserved forever—and it will be! The State of Louisiana is not only paying the debts which were created there by the carpetbaggers, but the State of Louisiana is paying the reconstruction debt, and the State of Louisiana is paying a tax in order to pay a pension to the Union soldiers of the Civil War, and it is paying another tax to pay pensions to its own Confederate veterans, all of which we do graciously. We pay two pensions instead of one. We pay the pension which goes to the soldier from Illinois and Wisconsin and Ohio and New York who fought in the Civil War, although the man who fought from Ohio and New York pays no tax for pension to the man from Louisiana or Virginia who fought in that war.

Why do we pay these debts? We pay them, as I have already said, in order to preserve the faith and credit of our State. We do not want any bankruptcy of the municipalities in the State of Louisiana. We had a law against it. I say "a law against it"; we had a law providing that in case any body corporate existing under the laws of the State of Louisiana was unable to pay its debts there should be certain processes resorted to by the State so as to pay the debts of the subdivisions of the State. We in Louisiana felt that every municipality holding a charter under our laws and every other body or bureau created by the authority of the legislature or laws of that State owed an obligation to pay its debts, and if it did not pay its debts, that the State of Louisiana owed a secondary obligation, either to see that it did pay its debts or to try to find some way by which the State should pay them.

In order to explain that fully, let me say that I, as Governor of Louisiana, in the year 1930 took over millions and millions of dollars worth of bonds that the State did not think could be paid by the boards that had issued them. I put the endorsement of the State of Louisiana on the bonds that had been issued by the port of New Orleans; I put the signature and endorsement of the State of Louisiana on the bonds that had been issued by the State highway commission. Yea, more, in some instances I put the endorsement of the State of Louisiana on the open accounts that had been issued by the boards and municipalities of that State in order that the credit of the State might be without any scar wherever the name of Louisiana might be heard.

But this wise body, the Congress, this wise National Government, says to my people in Louisiana, "Why, that is love's labor lost. This wise Government here, under the blue buzzard and blue eagle, this wise Government that

hauled down the Stars and Stripes and put up the N. R. A., this wise Government that put the Constitution in the ash can and put a blue buzzard in its place to look at instead, this wise Government said to the people of Louisiana: "What do you mean going through all these hardships during the last 4 years to pay your debts, just or unjust? What do you mean trying to save and economize? What do you mean trying to eliminate graft, extravagance, and pollution from government? What do you mean by resorting to the old folderol systems of economy and honesty and practicability? We are going to give you a law under which all you will have to do is to go into a United States court and say, 'This town or this city or this parish or this county or this road district or this board of the State has decided that it does not want to pay any honest debts it owes', and thereupon they will all be wiped off the ledger. Though your sins be as scarlet, the United States Congress will make them as white as snow." [Laughter.] So we passed that kind of a law, and it is on the statute books today. I am very glad the Senator from Idaho informed me of a mistake in certain information I had received. I say now that the day the United States Supreme Court stamps as constitutional that infernal character of legislation, that is the day they put a premium on rascality and that is the day they pay for dishonesty. That is what I say about the municipal bankruptcy bill.

Louisiana pays its debts. Louisiana is entitled to be paid whatever people owe it. We want a government that says to the 47 other States, "Pay your debts as Louisiana pays hers", rather than one that says to Louisiana, "What do you mean by paying your debts when 47 other States will not pay theirs?" We want laws that are based upon right and based upon honor. Yet we find the N. R. A. coming back here again. We are to have another sample of the blue buzzard, another bite out of this bird. It is to be cooked up again to see if it will not taste better. It reminds of boarding-house hash. One day there is put on the table a lot of victuals which no one can eat, and the next day they are ground up and brought out as hash, and you eat it because you do not know what is in it.

Bringing back this blue buzzard! The Supreme Court says it is unconstitutional. I am told the President of the United States—I was not here at the time, and if I had been I would not have been able to have seen him, and so I would only have had the newspapers to tell me what he said; and I do not always believe them, because they make mistakes, sometimes intentionally and at other times unintentionally, like all the rest of us do—but I am given to understand that the President suggested a kind of plebiscite, more or less, to enable the people to express themselves as to whether they wanted the Constitution and the Supreme Court or the blue buzzard or the Blue Eagle and the N. R. A. and other things of that kind. I have not read the President's statement very carefully, because, as I have said, it might be somewhat misrepresented, and I do not want to take it out of the whole cloth, but I understand that when the Supreme Court of the United States said by nine out of nine of its justices that the N. R. A. was unconstitutional, illegal, and void—something they did not have to tell me, because I knew it already and said so a year or two previously—over at the White House a message went out from our beloved President, in which he said that the people would have to decide whether or not they were going back to "the horse and buggy" days. Lo and behold, I was coming up on the Southern Railway, and I was reading the statement of the President that the people had to decide whether they were going back to "horse and buggy" days, and I looked right out of the car window from the Crescent Limited train on the Southern Railroad system and I saw two or three men out there plowing with bulls. They did not even have a horse and buggy. I said to myself, "Is this a threat or a promise of the President?" He said, "We are going back to 'horse and buggy' days", and, lo and behold, coming up through the most prosperous part of the Southern States, right opposite textile factories and tobacco plants, the farmers, like the peons of Mexico, were plowing with beef bulls. The President will have to improve the kind of times he has brought about in that part of the country or they will not even have "horse and buggy" days.

Poor as my family was, we never did plow with anything but mules and horses, and none of our neighbors, back as far as I can remember, ever tried to farm with much less than a mule to plow with. We might some of the time use oxen, but I have never heard of us not being able to plow with a mule or a horse. But coming up through that section of the country at about the same time the President was fearful that we might go back to the "horse and buggy" days I saw man after man—and I can go right down there and show them to you—plowing with bulls. They reached the point where they could not even have a horse; they could not even have a mule. I guess they found out they had too many of them in this country, as they did with the cattle and the hogs last year, and went out and killed a few of them. I do not know that that is so, but evidently there is even a scarcity of horses and mules for the restricted purposes of raising crops in the United States, and if the farmers get down to the point where they cannot buy a horse and cannot buy a mule, the powers that be will not reduce the prices of horses and mules; they will not give the farmers any money with which to buy a horse or mule, but when they reach the point where they cannot buy a horse or a mule those in authority will do the same thing they did when we got down to where we could not buy meat. They killed the hogs so we could not have any meat, and they killed the cows so we could not have any beef. That will be the system the Government will inaugurate under the sacred principles of the N. R. A.

As I have said, I like to go along with the powers that be. I am a good soldier; I am accustomed to obey the commands of my superiors. I am accustomed to following those commands. I do not know what it is to lead. I am a good follower and a poor leader. I did not even know how to lead when I was the head of a State government, because before I would propose anything I would submit it to the people of the State and let the people of the State say whether they thought it was a good thing or not, and if the people of the State thought it was a good thing, then I would underake to put through what the people's leadership demanded; and I proposed very few things originally of my own. Therefore, in the Congress of the United States, I would prefer to be a good soldier; I would prefer to follow; I would prefer to have a leader; I would prefer that the mistakes might fall somewhere else rather than on my own shoulders. I would prefer even that the credit might be principally shared by others if I had that grant to me of immunity from mistakes that would be charged against me in the beginning.

Imagine coming from the Parish of Winn, in the State of Louisiana, after reading such skimpy phrases from the Constitution as I could understand, knowing very little of the law, to the famous and greatest deliberative body on earth, although it has deliberated very seldom during the last few weeks, and learning of an opinion from the President of the United States, an opinion from the party leaders, an opinion from this man and the other man, the high muckety mucks of public and legal and private affairs, all of them saying that the N. R. A. is a constitutional piece of legislation. A few of us on this side of the Chamber—I do not know how many of us there were, not a great many, I believe 15 or 16—finally voted to reject the advice and the opinion that had been rendered on the N. R. A., because, knowing the law as we had been led to understand it, the N. R. A. could not stand topside or bottom.

What happened? The news went out all over the United States that they were going to cut the heads off of everybody in Congress who did not vote the N. R. A. way. I have a little time left. They could not take my case before the people very soon, but I shall be the first man in this body

to go before the people. I shall come up first. I come up in January next. I have not yet an opponent. I am hoping the blue buzzard will find somebody down there to stand up against me. I know I am going to have an opponent—at least I believe so. I certainly hope so.

I never yet have been given anything without having an opponent, and after I won the election there has always been a proceeding to remove me from office. I have never yet held an office without having to win in the primary and in the general election, and then to resist a suit in the courts and then, before whatever body it was to which I was elected, to resist an effort to remove me and impeach me. I am case-hardened in this matter. None of my friends will give me the slightest offense, and it makes no difference what kind of political opposition may be directed against me, because I shall take it in good faith. By this time I have learned what it all means, and I take it good-naturedly.

But who is going to put up the emblem of the N. R. A. in Louisiana? If a plebiscite should be taken in the State of Louisiana on how they feel about the N. R. A., it would not get enough votes in 40 years to wad a shotgun. Nobody wants N. R. A. in Louisiana. Nobody wants the blue buzzard in Louisiana. Nobody wants unconstitutional government in the State of Louisiana. We are a debt-paying people. We are an honest people. We are an upright people. We believe, under the benignity of the Almighty God, that this country was given a Government and a Constitution which means what it says and when any party tries to supplant the words of Benjamin Franklin, George Washington, and Thomas Jefferson with the words of such characters as Jim Farley, it is undertaking a thing which cannot under any possible circumstances succeed.

Imagine sending a man like Jim Farley down to my State, smeared with the money he has made out of this contracting fiasco and these damnable frauds which they do not dare to have investigated. Imagine a scoundrel like that coming down and telling the people of Louisiana, "Do not talk of Washington. Do not talk of Thomas Jefferson. We are going to give you big Jim Farley, the boxing commission manager from the State of New York, to run Louisiana!" [Laughter.]

The administration is putting them all on the pay roll down there. We are having good times in Louisiana. Yes; we are having good times. We not only were getting along better than any other State in the Union, but they are promising every man in Louisiana who will say he is against HUEY P. LONG a job at $300 or $400 or $500 a head. We are taking them. We are going to take their money, because we know they are going to stop it pretty soon. We are not going to work. Down there the people are taking the money. We are going to eat up the money of the other 47 States. We are going to have a good time while it lasts. There is no reason why we should not have a vacation. We are going to take your money. We are all going to quit work, because we have been told to quit work and come and get all the money we want, that they have $170,000,000 to beat HUEY LONG. They will need not only $170,000,000 but they will need the $5,000,000,000 they have and $5,000,000,000 more. They have not even got a candidate with their $170,000,000, and if they do get a candidate to oppose me he will wonder what it is all about by the time they get through spending all that money which they are dispensing in Louisiana.

These men are not willing for the Senate to pass on who shall control the spending of that money. One of the men they have in charge of it was operating a coffin club down there. He is one of the Jim Farley-Roosevelt leaders down there now, a gentleman who operated a tombstone and coffin club. It was sworn to by an honorable citizen, and never disputed, that this man who was operating that club promising to bury people with a shroud and coffin for $50, and was waiting until after the burial and going out at night, digging up the coffin, taking the body out of it, taking the shroud off the body, and using it to bury another member of the society the next day.

It was actually said that this thumb-rigging, screw-driving character they have down there running things for Mr. Jim Farley and Franklin Delano Roosevelt "the Little" had a tombstone and coffin club business whereby he agreed, if a man paid 10 cents or 25 cents or whatever it was ever so often, that when he died they would give him a decent burial. They promised him a brass band at his funeral and a coffin and a tombstone and a shroud.

They had those things exhibited in the window of the burial society. They had them all laid out there, a fine suit and a nice fine coffin which they promised everybody would get if he would pay his dues monthly until he died, and said, "Here is the way you will be buried." It was said that when a man would die they would put this shroud around him, put him in this coffin, and carry him out to the graveyard and have the funeral. Then while the ground was still soft that night they would go out and dig up the coffin, take out the body, take the shroud off the body, put the body in a pine box, replace it in the ground, and then pack the ground down tight over it, and put the shroud and coffin on sale again and bury another man in them the next day.

The little bird who was running this skin game had to leave Louisiana. He ran for office two or three times. He had to leave the State of Louisiana. He went over to Texas and opened up this skin game over in the city of Orange, Tex. Lo and behold, he has been sent back to the State of Louisiana. They are in need of someone to distribute the millions of dollars which must be paid back by the people of the United States. They are so sadly in need of someone to help them spend this $5,000,000,000 that they sent over to Texas and brought this tombstone-and-coffin-club character back into the State of Louisiana and are giving him millions and millions of dollars of the people's money to spend there. They do not dare submit that kind of name to the United States Senate, because there is not a man in the Senate who would any more dare vote to confirm that kind of man than he would vote to cut his own throat. They do not dare bring that kind of character before the United States Senate for confirmation.

But what did they do? They tried to emasculate the Constitution of the country that was to save us from that kind of swindle. They destroyed the prerogatives of Congress and the United States Senate which were intended not only to appropriate the money but to supervise its expenditure, by having Congress neither appropriate nor supervise the expenditure of these funds. That is the kind of Government we have.

Talk about party? Talk about party? They are the very people who have destroyed the Democratic Party in the United States. They have wrecked the Democratic Party in the house of its friends. They have destroyed the emblem raised here by Jefferson and by Jackson. Instead of the Stars and Stripes and the Declaration of Independence, they have elected the blue buzzard and the N. R. A., an emblem of political degeneration that nobody has ever been able to fathom from that day to this. We are expected to stand for such a thing as that.

It is up to Senators on the various sides of this Chamber to say what shall be done. I say "on the various sides of this Chamber" because we have about five sides now. I did not know until last week that anything but a sovereign State could have a representative in this body. I thought that only sovereign States had a right to have Senators here. But according to the word of the Secretary of the Interior, Mr. Harold L. Ickes, better known as the "chinch bug of Chicago", there are 47 sovereign States and Louisiana. He said to somebody, "This is a Government of 47 States and Louisiana."

It was only after I heard of that pronouncement from Harold the First (and the last) that I found out that anything but a sovereign State had a right to a representative in the United States Senate. Louisiana is here with two Members, none the less; and we, like all the rest of the men in this Congress and in the body in which I am now speaking, are given to understand that unless we vote for the

things that we swore before Almighty God we would not vote for, we shall be ostracized, and patronage taken away from us.

Senators have held up their hands to God, and they have said to the Lord, in the presence of all men, "I swear before Almighty God that I will vote for no law that is contrary to the Constitution of the United States." They signed their names and swore to God that they would uphold the Constitution before they could come in and be Members of this body; and then they have the edict of such characters as James A. Farley that they will either vote for unconstitutional legislation or they will have taken away from them the senatorial prerogatives which belong to Members of this body, and they will be hounded down with the prostitutions that will be brought about in their States in order to accomplish their personal defeat!

I came in with the majority party. I came in ahead of the President, and I helped bring him in; and I can say that he would not be in now if I had not been here just a little ahead of him. I have not yet heard that statement denied. I have yet to hear it denied that Mr. Franklin D. Roosevelt would not have been nominated at the Chicago convention without the help that we were able to give him, which he would not have had if I had not been with him. Now I see him, I see this Government humbled; I see this mighty Nation with its head in the dust; I see law after law declared unconstitutional by the Supreme Court—laws which I knew and nearly everybody else knew were unconstitutional when they passed. The only basis upon which we heard anyone defend these laws was that the Supreme Court would not dare to declare them unconstitutional.

Take the reciprocal tariff law which we passed. We are going to hear more about that before we get through—this reciprocal tariff law under which the President of the United States has a right to make any kind of a tariff he wishes to make. He can make an agreement with the Emperor of Siam, just so long as he can get some foreign country to say that it is a trade agreement, and wipe out the tariff on sugar, and the tariff on shoes, and the tariff on hides, and the tariff on farm products and citrus fruits and vegetables and things of that kind, and leave the industry defenseless and without any business the next day.

As a pretty good example of what this policy has done, the Japanese are selling their toothbrushes in New York, and the people who used to manufacture toothbrushes in New York are walking the streets. The Russians are selling their shoes in Boston, and the Indians are selling their straw hats in Baltimore; and as a result of what this so-called "reciprocal tariff" policy has done they have about wrecked everything that could be wrecked in the way of legitimate foreign or domestic commerce that a tariff ordinarily is supposed to protect.

I am a tariff man. I am a tariff Democrat. I am a Jackson Democrat. I am a Washington Democrat. I am the kind of a Democrat that George Washington and Andrew Jackson said would vote to protect the American people and the American workingman and keep him employed; and when I see these theoretical "brain trusters" running in here from this and that other place and school—and something that is not even half a school—advising that we ought to make a reciprocal tariff agreement to let some foreign country's products come in here, and see the consequences of it, I know that Washington and Jackson were right in the first place, and that this fol-de-rol was wrong all the time.

Also, I may state for the benefit of those friends of mine who do not believe what they read, even though it be true, that we people of the South are having some experiences. I must refer to a neighboring State, because I was told this by a young man—or, rather, he is a middle-aged man now. He was a young man when I began to battle him in controversies before the courts and commissions.

I was talking in my office the other day to a gentleman by the name of Fulbright. Mr. Fulbright represents the interests of the port of Houston, Tex. He was my adversary in the Galveston rate case when I was chairman of the Louisiana Public Service Commission many years ago. He is a very, very brilliant gentleman, as I have always known him to be, and a man for whom I have a very high regard and whose word ordinarily I would accept on anything he is supposed to know anything about.

Mr. Fulbright said to me the other day, in my office, "Senator, during the past year, four shiploads of cottonseed oil were brought from Europe into the port of Houston." Four shiploads, he said, of cottonseed oil were brought from Berlin, I think he said, from Germany into Houston, Tex., which is supposed to be the greatest export market of cottonseed products that the State of Texas has! Four shiploads of cottonseed oil have been brought into Houston, Tex., from Berlin! I do not think Germany makes any cotton, but they raise cotton up in Russia, and they raise it in Turkey, and they raise it in India, and for all I know they may be buying it from South America, because Brazil is raising a big crop. Already we have gone so far under this tariff policy that we are not only not selling cotton to foreign countries, we are not only not selling cottonseed products to foreign countries, but they are actually shipping back to the United States of America the cottonseed oil that has been pressed out of the cotton of probably Russia or Brazil, and selling it within 10 miles of where the biggest cotton fields are in the entire Southern States. That market is soon going to be gone, and they will sit up here with these theorists and these "brain trusters", and they will have this St. Vitus "Ha, ha", and "things are going to be all right", and the poor fool farmers of the South and the West will let them pay them money out of the United States Treasury and think everything is all right; and when the time comes that they have to pay back that money, and the Government has not any more money to give them, and nothing to sell in the United States with which to get any money, it is going to bring on a calamity and a panic that will make 1893 and 1907 and 1929 look like a copper cent with a hole in it. That is what these men are bringing on in this country. They are corrupting the people of the United States with this policy.

My old father is 83 years old this month. I saw him the other day. He is still farming. He still plants a little corn and still plants a little cotton. I said to him the other day, "How are you getting along with the crop you plant this year?" He said, "Well, it is mighty hard to get any help. When I get any help I cannot get any work at all out of it. Everybody is out of work, and you cannot get anybody to do any work."

I said to my father, "Why, you do not mean that as old as you are—83 years old—you are going to try to do the heavy work of laying by that crop with a plow this year?" That 83-year-old man said, "I can do more work than I can get out of some hands that I can hire. The way you can get them to work this day and time, the labor is so trifling", he said—this 83-year-old man—"the labor is so trifling that I would rather do most of it myself than to fool with the kind of help I have to get that is on these relief rolls, and things of that kind. I am better off ploughing myself than watching after those that I cannot even make work."

There you are! There was an unemployment condition in this country which could have been taken care of in a reasonable way. Anybody who does not believe what I am telling him can go down to Winnfield, La., and find out for himself. I will challenge the members of the press gallery to send down to Winnfield, La., and verify my statement, and see if that is not a positive, honest-to-God fact that is going on right down there today.

What did they do there? I will tell you what they did. There was a little pot-bellied fellow down there who ran for the Senate. There were five candidates for the Senate, and he ran fifth out of the five candidates. If there had been 7 he would have run seventh, and had there been 12 he would have run twelfth. There were five candidates for the Senate. There might not have been more than 4, but I know there were at least 4, and I know he ran fourth out of the 4. This little fellow ran for the Senate. He was fourth out of the four, and by fourth I do not mean he got the kind of vote that the fourth man ordinarily would get. I mean that

he could not run lower than fourth because there were only three other men running against him; but if you had been rating him by the kind of vote he got, as to whether he was third or fourth, you would have thought he was one hundred and sixth rather than fourth.

This little pot-bellied character down there, by the name of Bozeman, goes around the streets of that town. He reminds me very much of a chicken snake. I remember, back in the old days in the woods, how we would hear the hens squalling and the chickens raising Cain out in the backyard at night, and we would run out and take a lamp and a shotgun to see what was the matter; and, lo and behold! We would raise up the hen and there would be a chicken snake that had swallowed every egg there was in the nest, and he would be so big—he would be so puffed out in the stomach—that you could hardly see how he could crawl away from there. This chicken snake would be about 1 inch around at one end and about 1 inch around at the other end, and about 8 inches around in the middle; and he would crawl through a rail fence in order to break the eggs—the way a chicken snake works. A chicken snake will swallow every egg there is in the nest and crawl through a rail fence and break the eggs, so as to get the benefit of the nutrition that is in the eggs.

This little pot-bellied politician who ran down there, and ran fourth out of 4 because he had but 3 opponents, has been given the jurisdiction over handling several million dollars of funds of the public. He has been given control and the right to employ, it is said—and he says—15,000 or 20,000 or 25,000 people, drawing all the way from $500 a month down. It is said he is getting $500 or $600 a month, and he has grown so fat and so bloated, and his stomach has become so puffed, that they will have to get a rolling chair, if things keep on as they are, to assist him in getting about. [Laughter.]

Mr. President, that is the kind of character they have put in charge of administering, in Louisiana, millions and hundreds of millions of dollars of money belonging to the people of the United States.

They have taken this fellow, who has to spend some ten to fifteen million dollars, or a million dollars, turning it into the hands of that kind of a character. They do not want to bring his name before the United States Senate for confirmation; they would not dare do it. It does not make any difference how big a majority they have here; they do not dare bring these characters here and allow them to be fumigated before the people of the United States. I have helped fumigate a couple of them within the last 2 or 3 years, and they did not get to taw with them. Since we got through fumigating two of them here last year they have never brought another one to the Senate. They do not want to bring them here.

What do they do? They say to the Senate of the United States, "You have no business passing on these names."

Some Senator says, "I read in the law book and the Constitution that I had to pass on these men."

They say, "That is all a mistake. You do not have anything like that to do here at all. That is all a mistake."

In floats a bill this morning which provides that the Members of the United States Senate will have to pass on the qualifications of these men who are spending these enormous sums of money, more money than we paid for the whole Louisiana Purchase.

"Oh, no," they say, "that is all a mistake. You ought not to tangle that up with this important bill relating to the N. R. A.," which has already been held unconstitutional by the United States Supreme Court.

Oh, no! The N. R. A. unconstitutional bill is so important that you must not infect it by adding on to its unconstitutionality something that has constitutionality about it. Nothing constitutional must be attached to this unconstitutional N. R. A. scheme that is to go through the United States Senate. That is what we are led to believe.

Where are the courage and the merit of the United States Senate? Where is the United States Senate? I am speaking from the desk from which John C. Calhoun, of South Carolina spoke, I have been given to understand. It is said that the desk which bears my name here is the same desk which bore the name of John C. Calhoun, of South Carolina. It is said that this great southern statesman spoke from where I now speak, so far as the desk is concerned, upholding the sacred and sovereign rights of the States.

Where is the logic of Webster, who plead in this body for the Constitution and for the Union, who urged that the Union could survive only as long as the constitutional processes were followed in our Government?

I care not who is the President of the United States, I care not who is the Senator from Louisiana, I care not who may be the controlling force of this Government, but has the time come when Senators will allow the processes of constitutional government to be perverted through the argument that it is necessary to give power into hands which dispense power into other hands? Whenever the time comes that the Farleys and the Tugwells and the Wallaces and their ilk can supplant the Members of the United States Senate, and make them as ignominious as though they had never taken an oath of office, when the time comes when they pay no attention to bringing before this body the names of men for confirmation, then the United States will have disappeared. It has already started, it is away down the road toward where a constitutional government is a thing of the past.

I have a lot of regard for Members of this body. I have a lot of regard for this Government, too. But I have a great deal more regard for the people of the United States. I cannot understand a man who will let another man be "dressed off" by somebody who has no right to attack him. If some man should walk in here and take the coat off my friend from Kentucky and I sat and allowed him to do it, and then he took off his necktie, and then took off his collar, and then took off his shoes, and I sat here and did not remonstrate with him while he took the clothes off the Senator from Kentucky, perhaps I would not be doing my duty, and I might be criticized; but I could not understand how the Senator from Kentucky could sit there and let a man take off his coat and his collar and his shoes and everything he has on and go out of here.

Mr. President, that is what has been done. They have come in here and undressed the United States Senate. They have taken all the power the United States Senate had. We have no power; we have nothing left to do. We ought to adjourn and go home. We, the Members of the United States Senate, are among the unemployed and do not know it. [Laughter.]

The PRESIDING OFFICER (Mr. CONNALLY in the chair). The occupants of the galleries will please be in order. They are here by the courtesy of the Senate, and are not supposed to express approval or disapproval of what may occur in the Senate; and if the occupants of the galleries do not observe this rule, the galleries will be cleared.

Mr. LONG. Mr. President, I hold in my hand an editorial which has been published in the Block newspapers, an open letter to President Roosevelt. This letter states:

> Mr. President, you have often stated that you like to receive constructive suggestions.

That man has this thing all messed up. I have not nearly as much regard for his editorial as I was going to have, although I am going to read the balance of it. The editorial reads:

> Mr. PRESIDENT: You have often stated that you like to receive constructive suggestions. May we take the liberty of presenting one which we believe meets that requirement?
>
> The idea is not at all a new one. We are voicing the sentiments of millions of others.
>
> Whether we have agreed, in the past, with all the new-deal ideas is not of importance at the moment. We know, however, that there is no one more anxious than you are for recovery and for an improvement in the condition of all your fellow countrymen.
>
> Since the recent decision of the Supreme Court in regard to the N. I. R. A., there are many people who believe that business will get better and others who fear things may get worse.
>
> It is well known that the great majority of our business men have sincerely believed that if they were left alone for but a reasonable period, that conditions would improve, unemployment be reduced, and that we would definitely be on the road to real recovery.

Mr. President, why not give them a chance to prove that this can be accomplished? Why not give industry a period of 6 months in which to make good?

With your influence you could arrange for Congress to adjourn now, and as its Members do not convene again until after the new year, business would be given an opportunity to make real progress.

At the moment there is deep concern that the laws which Congress is now considering will prove harmful and, therefore, further delay business improvement.

Why not postpone consideration of these new measures, all of which are for reform rather than for recovery? Congress can always reconsider these bills at a later date.

After all, everyone wants recovery first. Reform is desirable and often necessary, but no harm will come to the country if such proposals are postponed for 6 months and recovery is given a chance.

It happens to be our belief if Congress and the President were willing to give industry the opportunity asked for, that before the year is over the country would be well on its way out of the depression.

You are not being asked to change your ideas even though many of us may not agree with them all. You are being urged to postpone further legislation until early next year. This will give industry its chance to make good, and if this is accomplished, it will mean better times for all, more employment for workers, better wages—in fact it would bring about the very improvement everyone desires.

We have had over 5 years of depression now. Many experiments have been undertaken, but not this one to let industry alone for a few months.

Will you try it out, Mr. President?

PAUL BLOCK.

I do not agree with all Mr. Block says, but I must add my voice to say that, as between what we have done and what we are going to do and what Mr. Block suggests, I am in hearty accord with Mr. Block that if the Congress should adjourn right now, just quit right now and not do the things which have been said it is going to do, that the country will be better off.

It will be said, "What about some things which have been done?" Do not give this administration credit for them. People hear the administration people talk about how Mr. Roosevelt dealt with the banking crisis. Why do they not say who it was who made him save these banks? He sent a bill to the Congress which left out the State banks and condemned them to go to the demnition bowwows of eternity. I offered the amendment here which made him swallow thousands of banks in the United States, later passed under another name, and he has been around all over this country asking people, "How do you like what I did about the banks?"

Who was it made him swallow the guaranty of bank deposits? He did not do it himself. It came here as the result of a bill drawn by HENRY STEAGALL, of Alabama, and the senior Senator from the State of Virginia [Mr. GLASS] and the Senator from Michigan [Mr. VANDENBERG], with whom I had several conversations before he presented the Vandenberg amendment. I think he will admit at least that he told me he was going to do it; and we wrote into the bill, which we had to jam down the throat of the Treasury Department which Mr. Roosevelt had here, the guaranty of State bank deposits. If it had not been for the Vandenberg amendment, which went into that bill, which I was given to understand would be accepted by the Senator from Virginia and maintained in conference, there would not have been any such provision in the law. My regard rose a thousand percent for the senior Senator from Virginia when I heard that in that conference he had maintained and fought to protect and preserve the principles of the Vandenberg amendment. We did not have any help from the administration that I ever saw.

Nothing has been proposed here by this administration that I know of which has done the country any good. I have yet to see the first thing that was proposed by them which has done any good.

I got up in this Senate when they were going to appropriate the $5,000,000,000 and asked them to take $1,000,000,000 of this money and with it put somewhere around 1,000,000 young men into the universities. That was not acceptable to the administration's scheme of the thing, and the administration Senators naturally went along with the administration.

However, today the Government is spending money to get the unemployed off the street; it is paying men $50, $60, to $75 a month, and the only way it is getting them off the street is to give them a lot of money to go and sit down and do nothing. The only way it is getting them off the street is to have them go and take a good seat underneath the bamboo briers in the summertime; in front of the fireplace in the winter and under an electric fan in the summer, or under an air-cooling system in the summertime. Do not do a lick of work the balance of your life! Learn never to work!

A man came in to see me the other day and said to me, "I ask you to consider what good I have done for this country. I am the man who taught two trees to grow where one used to grow before." I said, "You are the worst citizen we have in this State under our system of things. You are the man who ought to be condemned and hung tomorrow morning. The idea of your coming in here and asking for consideration because you taught two trees to grow where one used to grow." We want a man who fixes it so that none can grow. We want a man who can teach the people how none could be raised. That is what we want in this year of our Lord 1935, of Franklin Delano Roosevelt "the little."

That is what we want in this country.

Talk about a government of the people of the United States. Why, there was not a corporal's guard from one end of this country to the other which raised its voice in protest when the United States Supreme Court handed down that decree nullifying everything, topside and bottom, there was in the N. R. A. If an effort had been made to raise an army in rebellion, they would not have had anything but the generals, who raised a regular holocaust trying to protest.

A fine kind of Government we have here in this country when nine judges out of nine say that an act is unconstitutional, contrary to the fundamental law that has been voted by its people, when another part of the Government is going up and down the country raising up a regular cloud of rebellion when the decision is brought in by the Supreme Court of the United States. A fine type of government we have here! Instead of legislating within the Constitution, it proclaims that it must be allowed to legislate without the Constitution!

What has this bill in it right now? I desire the Senators to understand that I am not doing any filibustering. I am speaking on this bill. I have been away a good little while, but I spoke on this bill before, and if every Member of the United States Senate had listened to what I said on the N. R. A. bill when it was up here we would not be in this mess we are in now.

We would not be in this mess, Mr. President. We would not have been in this mess we are in now if they had listened to what I said about this N. R. A. when it was up here before. I told them the facts. I told them the law. They went out and made a great parade and everything else, and now after all that has been done, what I have said and what others like me have said on the floor of the Senate has been resaid by the Supreme Court of the United States, by nine out of nine of the justices. I was astounded when nine out of nine decided that way. I could not believe that all of them would see the law as I really felt it was. But there was not any question in those nine minds.

There was the so-called "liberal or radical" Cardozo. There was the so-called "liberal or radical" Brandeis. There was the so-called "liberal" Stone. There was the so-called "liberal" Hughes. There was the liberal or half liberal and half conservative Roberts. There were the so-called conservatives, four of them in number—whatever they might be. But nonetheless every liberal, every conservative, and every radical was an American! Thank God for that! Nine out of nine as they were, they were men who were not infested with any of the Russian system, nor any of the Italian system, nor any of the German system. There was no Hitler, no Mussolini, no Stalin on that Court. Nine out of nine, regardless of whether we call them conservatives or liberals or radicals or what we wish to call them, they were nine sons of Washington; nine sons of Valley Forge; nine sons of the Declaration of Independence! There was the

spirit of 1776! And if America lives 20 years from this day it will owe its life to the nine men on the Supreme Court of the United States who saved this country from Fascism and Bolshevism when they annulled that detestable, contemptible, despicable blue-buzzard N. R. A. which it had been sought to inflict upon this country!

God save and God bless those men to render service again! For every mistake they have ever made they are entitled to a million mercies.

Try it out on Louisiana in Jannary and see what they think about it! Go down there and tell them I fought N. R. A., and tell them I am still fighting it. I have been telling them. There were about 35,000 or 40,000 of my good people and friends in the town where I lived for 10 years, Shreveport, La., Sunday 1 week ago when I spoke, among other speakers, and if there was one man out of the 40,000 who believed differently from what I believed about this question I could not find an indication of it from that audience, and I do not believe we ever will. Go down there and try it out.

Here is the sad part, though, that we allow prostituted characters of this kind to spend our money; they go down there and they not only spend money we have got to pay back, that taxes have to be levied upon us to pay, but they spend that money not to help our citizenship; they spend that money to destroy our citizenship. They do not spend that money to make honest people out of our people. They spend that money to make idlers and thriftless and shiftless characters. They are not only spending the money we have got to pay back, but they are spending the dollars and tens of dollars and hundreds of dollars, every dollar of which goes to teach our children to be idle, to live to be worthless, to be thriftless, to be no good.

Then after having spent that money, and then after having destroyed the manhood and the womanhood and the fiber of honor and the fiber of intellect that we have spent all our lives to build up, then we have got to take the thing where they leave it, with our citizenship demoralized, with our country plunged into debt, and we have got to build our people back up, and teach them to work, and teach them to earn to pay this money which has been used to wreck instead of being used to build the Nation.

That is what I protest against, Mr. President. That is what we have been trying to avert. God knows we have had a hard time in my State.

When I took the reins as the Governor of the State of Louisiana the flood disaster had swept our State from one end of it to the other. We had to take our people from the flood waters of the Mississippi and the Red River and the Ouachita Rivers; we had to take those people and help them out and get them homes of some kind and character. We had to borrow money and float bonds. We started in 1928 with $100,000,000 worth of bonds which had been floated for building roads, but no roads had been built; and $41,000,000 worth of bonds that they floated for a port and built no port; and millions and millions of dollars for which there was no improvement to show to amount to anything. We shouldered that load, with the flood waters receding; and we rebuilt homes, we paved highways, and built free bridges and free schools, furnished school books free, and established free colleges. We eradicated illiteracy and saw the light and promise of a better day, with an upstanding civilization coming from the curse of illiteracy. Now we see the United States Government flood the State with prostitutes and scoundrels and scallawags and carpetbaggers, who make the carpetbaggers of the 1870's look like a tin-copper imitation! That is what we have got to contend with down there, and we have to try to be relieved of that scourge.

"Oh," they say, "it is awfully bad to intimate that the President of the United States would do that. Oh, yes; is it not bad to insinuate that the President of the United States knows about it?" I do not intimate that he does; I do not insinuate that he does; I say he is doing it. See if I am afraid to say it. He is one of the men who know about it. It is intended, and it is being done from the very orders that come from Washington under him. He knows more about it than does any other one man. Why hide? Why put blindfolds on your face? I do not have to; and if I have to, I do not have to stay here.

Mr. CONNALLY. Mr. President——

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

Mr. LONG. I yield for a question.

Mr. CONNALLY. It is to ask a question that I am seeking to interrupt the Senator.

Mr. LONG. Very well; I yield for a question.

Mr. CONNALLY. The Senator said so much that I could not keep track of it all, but, in brief, what is it he is charging the President with doing and instructing to be done in Louisiana that is corrupt or illegal? I should like to know for the RECORD.

Mr. LONG. I do not even answer the question of the Senator. I ask him to read my speech. I will ask of the official reporter to make up an extra copy and give it to the Senator from Texas.

Mr. CONNALLY. If the Senator from Louisiana wants to make that kind of a reply, of course, that is his privilege.

Mr. LONG. That is all I can say. I cannot answer the Senator's question otherwise.

Mr. CONNALLY. I assumed when the Senator said he would yield for a question he meant what he said.

Mr. LONG. I did.

Mr. CONNALLY. He is making very serious charges against the President of the United States.

Mr. LONG. I am making very serious charges, and I will prove every one of them if the Senator will investigate them. I cannot yield further.

Mr. CONNALLY. Very well, if the Senator will not yield, I rise to a question of privilege.

The PRESIDING OFFICER. The Senator from Texas will state the question of privilege.

Mr. CONNALLY. When a Senator stands on the floor and makes charges involving corruption and violation of duty in the high office of President of the United States he ought to make those charges in such clear language as we shall be able to hold him responsible or the country may know whether or not those charges are true.

Mr. LONG. All right.

Mr. CONNALLY. The Senator invites me to reread his speech. He has been talking now for 2 hours——

Mr. LONG. And I am not half started. [Laughter in the galleries.]

The PRESIDING OFFICER. The Chair will admonish the occupants of the galleries that they are here as guests of the Senate and any expression of approval or disapproval or amusement is strictly forbidden under the rules of the Senate. If necessary, the Chair will order the galleries cleared.

Mr. CONNALLY. Mr. President, the point I make is that the Seantor ought, when he makes a charge of that kind, to make it definite and clear, so that we may know exactly what he is charging.

Mr. LONG. All right. I think if the Senator will read my speech he will see it is pretty clear and pretty definite. Furthermore, I should like for the Senator from Texas to have the Farley resolution taken up and passed now so that the Senator will have what he wants. If he wants proof, let us take up the resolution.

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

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

Mr. LONG. I yield for a question. I do not want to lose the floor.

Mr. CONNALLY. The Senator, of course, as usual, is evading the issue. I ask him to state his charges against the President of the United States regarding corruption, and he immediately begins to talk about Mr. Farley, which seems to be his obsession.

Mr. LONG. Both of them; they are the same; there is no difference between them.

Mr. CONNALLY. I protest the Senator has little conception of the duty and obligation of a Senator of the United States when he can treat matters of this kind with such flippancy and with such lack of regard for the dignity of the Senate and the dignity of the duties that are supposed to rest upon a Senator, and with so little appreciation of the high functions of other officers of the Government.

Mr. LONG. The Senate has no functions in these matters I am talking about. The Senator is talking about something that has passed out. The next thing we know the Senator will be talking about Mother Goose rimes or Æsop's Fables. What has the Senate got to do with the things I am talking about? I am talking about the N. R. A.

Mr. CONNALLY. Mr. President——

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

Mr. LONG. I yield for a question.

Mr. CONNALLY. The Senate does have something to do with them, though the Senator stands here and talks 2 hours and then says the Senate has not anything to do with the things he is talking about.

Mr. LONG. The Senate has not got anything to do with them.

Mr. CONNALLY. The Senator has protested about how bold and brave and courageous he is about saying these things concerning the President. Let him say them again and put them in black and white. Then we shall know whether he is so brave and courageous.

Mr. LONG. They are all in black and white.

Mr. CONNALLY. Most of them are in black; very few are in white.

Mr. LONG. I ask the Official Reporter to make me a copy of my remarks and charge it to my account. I will pay for it, and then let him furnish it to the Senator from Texas so that he may have no misunderstanding.

Mr. CONNALLY. Mr. President——

Mr. LONG. I cannot yield further.

Mr. CONNALLY. I rise to a question of privilege.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. The question of privilege is that the Senator from Texas has not requested any copy from the Senator from Louisiana. He does not want a copy; he does not want to be involved in any obligation whatever. The Senator from Texas has heard what the Senator from Louisiana has said, and he will have the CONGRESSIONAL RECORD tomorrow if he should choose to read any of it.

Mr. LONG. I would be perfectly willing to pay for a copy if I could get the Senator to read some good sound doctrine.

Mr. CONNALLY. The Senator from Texas would not find it in the remarks of the Senator from Louisiana if he read them.

Mr. LONG. I would buy almost any book I could purchase which would give the Senator from Texas some good, sound Democratic doctrine. If the Senator from Texas would read my speech it would do him more good than his 4 years' study in the law school. [Laughter in the galleries.]

The PRESIDING OFFICER. The Chair again warns the galleries against expressions of amusement, approval or disapproval.

Mr. LONG. I know my friend from Texas does not often agree with me in public. However, let me proceed with this matter, because I take no personal offense at any interchange that has been made. I am a man who never gives offense and seldom takes offense. I believe in the Members of this body being congenial with one another. If it cannot be a deliberate body it ought to be a homogeneous body, at least; it ought to become family like. Let us preserve all the good that we can in this body.

There was a time when we had authority here; we have not that authority now; so let us be friendly. There was a time when we passed upon the important functions of government. We do not do that any more. There was a time when we said whether those appointed to office were men enough to exercise the functions of government under us. We do not do that any more. There was a time when we said what the law was, but we do not do that any more. We say someone else has been endorsed by us to say what the law is. There was a time when the Senate was a deliberative body; it is not any more. So having been shorn of its functions, or, rather, having abdicated them, at least, let us be a friendly Senate. All we have got to preserve is our right to be friendly, and let us let Senators be friendly. Why have a bitter argument between any two of us? What are you arguing about? We have not anything to argue about. We are not concerned in these matters, in view of the action we have taken. Senators have nothing here that ought to be serious; and so why become serious when we have abdicated the functions of the Senate during the last 3 years and have only the right to be friendly here? Some day they will put us under Harry Hopkins and he will say, "You are not entitled to $9,500 a year; as I have started relief at $6 a week up, I see no reason why you should be drawing such salaries for useless services." The only difference practically is one of amount; the only difference between the relief roll and the United States Senate is the difference in the pay, as a matter of fact.

Mr. President, I am going to prove that statement. My friend from Texas has gone. He sat here and acted as if he were interested and asked a question and got up and left. That is the trouble. We will never be able to convert Senators if we cannot get them to listen to us, because they will not read what we say. I am going to prove what I just said.

Where is your power to coin money? I am going to prove right here what I have said. I have been questioned; insinuations have been made against me; charges have been made that reflected upon my legislative ability—which I never even claimed to have, if I had or not—and I am going to answer every living one of them. I am going to take up the Constitution of the United States and answer every one of them. I am not going to have any Senator go out of here and feel that probably something I have said can be disproved without having a chance to be heard. So I am going to take up these points. I will take them all up.

Where is your power to coin money? I will take up the Constitution of the United States and will prove, article by article, and letter by letter, and figure by figure, that the Senate of the United States has not the power under the Constitution that it once exercised. I will turn to them all.

First, I will take up the question of money. Where is your power to coin money? Have you got the power, or if you have the power, does the Senate exercise the power to coin money and to regulate the value thereof? I pause for a reply; I pause for some Senator to rise on this floor and tell me that the article of the Constitution of the United States which says that Congress shall have the right to coin money and to regulate the value thereof is exercised by the Congress of the United States today. No; it is not. I compliment the integrity and the wisdom of all Senators because none has risen. Why? Because we passed a law here providing that the President of the United States should have the right to fix the value of money, and not only fix the value of money but to determine what is money.

I will go further. Has Congress the right to coin money? On the contrary, there is not any money in the United States today. Does anybody want to dispute that? I say there is not a dollar of money in the United States today under the law of Congress—not a dollar. We have not a 5-cent piece of money in America today.

If anybody disputes it, I will take the time to prove what I say to be true. We not only do not fix the value of money, we not only do not coin the money, but we have given the right to coin money to the President, the right to fix the value of money to the President, and under that authority, constitutional or not, he has fixed it, and we have no money.

I will make an illustration similar to one which I have made previously. Here [exhibiting] is a $10 bill, supposed to be $10. I read from this $10 bill which is supposed to be $10, "Redeemable in gold on demand at the United States Treasury." That is what it says on the bill, and yet we enacted another law that any man who goes to the United

States Treasury to get the gold or who gets it anywhere else shall be sent to the penitentiary for having the gold. Here we have on the bill a promise that a man can go to the United States Treasury and get $10 in gold, and yet we have another law that if he goes there and gets the gold, then he goes to the penitentiary for having it.

Mr. GORE. Mr. President——

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

Mr. LONG. I yield.

Mr. GORE. The Supreme Court of the United States in the case of *Banks* v. *Board of Supervisors* (7 Wallace), held that the promise on a bill to pay dollars meant coined dollars under the laws of the United States.

Mr. LONG. The Supreme Court of the United States might have said that, but the law of Congress said, "You cannot go and get it." The Supreme Court decision is that I have a right to go and get 10 coined dollars. That is the law. Then we have another law, under one of the President's proclamations, which says if a man goes and gets 10 gold dollars he may be put in the penitentiary. He cannot get the dollars. It is against the law. The President has promulgated a law providing a penalty to put a man in jail if he has any gold dollars.

Today there is not a single dollar of money circulating in the whole length and breadth of the United States unless somebody is violating the law. I have $10 in gold a man sent me as a gift to my boy for Christmas. He had a $10 gold piece and a $1 gold piece pasted in a frame with a little verse which he wrote. Some day the Government will come in and arrest me and put my whole family in jail for having that $11 in gold.

I believe permission has been granted us to have $100 in gold, but they will soon lower that and get down to where they will get it all. I do not wear a stickpin in my necktie any more. I am afraid I will be arrested if I do. I will not put a gold stickpin in my necktie any more. It is said to be out of style to wear a gold stickpin in one's necktie, but it is even worse than that. It is against the law to have a gold stickpin in one's necktie.

Now let me take up the balance of the Constitution. I shall prove that under the Constitution of the United States the Senate is not exercising any power. With my limited knowledge of law and of all other matters, nevertheless I am sure I shall not be successfully contradicted when I make that statement. I shall read the Constitution of the United States to the United States Senate. Will I offend anyone if I do that? I wonder if anyone would take offense if I should read the Constitution and undertake to explain my ideas of the Constitution of the United States in connection with this N. R. A. bill, because its constitutionality having been decided by the Supreme Court, that is the matter now at issue.

Section 1 of the Constitution of the United States. Listen to this. I want everybody in the Senate to listen to what I read:

> All legislative powers herein granted shall be vested in the Congress of the United States which shall consist of a Senate and a House of Representatives.

The legislative powers were vested in Congress. Are they in Congress today? Are the laws regulating the planting of crops vested in Congress? No! Congress never thought it had the right, and it never did have the right, to prescribe that a man had to have a permit to plant anything in the United States, unless it was some narcotic which was prohibited on account of the public weal.

Does Congress have legislative power over money? No. Does Congress have legislative power over appropriations? No; a thousand times no! On the contrary, when there came here the biggest appropriation bill in the history of the world for $4,800,000,000, there was not a single solitary appropriation item in the whole dad-gummed bill from top side to bottom. There was not one provision in there appropriating money. The only thing we could get incorporated in the whole bill was a provision that not more than $100,000,000 should be expended for some certain purpose, and that was all.

Where is the legislative power of Congress under that provision of the Constitution? They have not any. What is the legislative power of Congress? None.

Let me read the next section, inasmuch as I hear no dissent from what I have said, and silence gives consent.

> SEC. 2. The House of Representatives shall be composed of Members chosen every second year by the people of the several States.

Hear me there:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

How much of that is so? That is so in theory only. Today the House of Representatives is chosen how? A bunch of public money is sent into a State and those having charge of its disbursement are instructed that that public money is to be used to defeat Senator So-and-so or to elect Representative So-and-so. No one doubts that at all. No one denies it at all.

In the case of HUEY P. LONG, in Louisiana, the money was sent in there to be spent and everybody had to sign up and deliver a statement that he was going to vote against HUEY P. LONG and anybody that HUEY P. LONG might run. I am trying to help the United States. I am trying to get them to spend all the money they can down there. The way I used to beat my opponents in the elections was to get them to spend all the money in the city of Shreveport that was possible, because there was about 700 majority against me and they hated me worse than the devil hates holy water, and the balance of them would vote for me if they thought it was the last thing they could do before they went into eternity. I have known times when as much as $60,000 to $75,000 was spent, and they could not change a vote to save their lives, because those who would vote against me would have voted against me anyway, and those who would vote for me would have voted for me in spite of anything that might be done.

I want to save a little popular government in the United States. I want to exhaust as much of that $5,000,000,000 fund as I can. Get them to go down there and put it out! We will get most of it. Out of every hundred men who have been put on the pay roll under these funds I have 90 of them right now eating right up to their ears. [Laughter.] They are going to have to learn more than they know now. These "brain trusters" are going to learn something and they are going to school before they get through with me in Louisiana. I am not afraid of them. If I should get beaten, it would be a good thing for me.

Silence gives consent. I hear no dissent, so I pass along. The Senator from Texas [Mr. CONNALLY] has "flown the coop." The minute the water got hot he left. He would not stay another minute. Where is the Senator from Texas? We had to send soldiers from Louisiana to save Texas in 1836. Now Louisiana is here to save Texas again, but Texas will not be saved. [Laughter.]

I take up section 3 of the Constitution now:

> The Senate of the United States shall be composed of two Senators from each State.

Listen to that, Senators:

> The Senate of the United States shall be composed of two Senators from each State.

We have the word of Harold L. Ickes, the Secretary of the Interior, better known as the "chinch bug of Chicago", that Louisiana is not one of the States; and yet it has two Members in the United States Senate. He says there are 47 sovereign States and Louisiana, and yet Louisiana has two Senators.

The Constitution then provides that Senators shall be elected for a term of 6 years, "and each Senator shall have one vote." Yet we had the statement given out to the public press that because I had voted against the administration

the State of Louisiana not only could not have any money spent there for public works, but that I could not nominate anyone for Federal patronage. They took my vote away from me! If I have a vote I am the only man in the United States Senate who has a vote.

There is no dispute about section 3, I take it. Again silence gives consent, and I pass on to section 4:

SEC. 4. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof, but the Congress may at any time, by law, make or alter such regulations.

Thank God, that is still the law. I take back what I said a little while ago. This section of the Constitution remains in power and effect at this time, and therefore I ask permission of the Senate at a later time to go back and make correction in my remarks where I said the functions of the Constitution had been taken away.

The PRESIDING OFFICER. Without objection, it is so ordered. [Laughter.]

Mr. LONG. Is there any objection to that?

The PRESIDING OFFICER. The Chair hears none.

Mr. LONG. I will go back and make that correction.

The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof.

That is still the law.

Section 5 of article I:

Each House shall be the judge of the elections, returns, and qualifications of its own Members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent Members, in such manner, and under such penalties as each House may provide.

I believe that is still the law. That is, each House can meet, and it can adjourn. We still have that right left.

The two things I have reached thus far in which the rights given in the Constitution are still left are the right of the legislature to say when a man shall be elected and the right of Congress to adjourn. Why in the world do we not exercise that right which has been left to us? That is one thing that we have the right to do, and nothing else this Congress could do today would be so wise as to exercise that one right which still has been left to it; to wit, the right to adjourn if it sees fit. Everybody else wants us to adjourn. Why not make it unanimous? Nobody but Congress wants us to stay here, and I am one that wants us to go. Let us make it unanimous, and adjourn, and get away from here tonight, and everybody will be happier than they will be if we stay here any longer.

Let me read on:

The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States.

That is still the law. That is what is going to save us from having a man like Hopkins reduce our salaries. I apprehend—no; I am going too far. I am saying too much here. I must not be too speedy about these remarks. I was about to say that I apprehend that when Harry Hopkins comes here and orders us to reduce our salaries in order that the relief roll may be more consistent, we will protest; but I doubt if we will. We did not protest when they took away from us our right to pass upon Federal appointments. We did not protest when they took away from us our right to coin money and to regulate the value thereof. We did not protest when they took away our other legislative prerogatives. I doubt if we would protest at a reduction of our salaries, but we might. We still have left to us, at least, the right to protest.

Section 7:

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

"All bills for raising revenue shall originate in the House of Representatives!" Let us see how true that is. That is not half true any more. The taxing authority is no longer in Congress. That means that Congress shall have the taxing authority; that in order to raise revenue, a bill has to originate in the House of Representatives. That is not now the law. Does anybody dispute what I say? I will prove it, even without dispute.

The main way by which we used to raise money in this country was by the tariff on foreign imports. Does Congress set the tariff rates any more? No. Congress not only does not levy a tariff, Congress not only does not fix a tariff, but Congress has not a thing to do with fixing the tariff in the United States. The President of the United States can fix it at no tariff or at half a tariff. The President of the United States, within the limits of the last reciprocal tariff act, can levy whatever kind of a tax he desires. The taxing power, because of which Magna Carta had to be signed by King John at Runnymeade; the taxing power, which brought on the Boston Tea Party; the taxing power, which brought on the Revolutionary War; the taxing power, which is held to be fundamental, no longer is exercised by the Congress of the United States. The revenue bills do not have to originate in the House of Representatives. The revenue bills do not even come to Congress at all. Under the reciprocal tariff agreements and under many other revenue statutes of this country taxes are levied without reference to Congress. Processing taxes are levied on the farmers' right to produce cotton, or his right to produce wheat, or his right to produce corn. Are they levied under a law that has to originate in the House of Representatives? No; those taxes are levied by some bureaucrat at the fork of the creek. He makes the tax whatever he wishes to make it.

I say that that provision of the Constitution is no longer the law, and that it is not even necessary to have bills originate in Congress at all.

Is there any dispute about that? I pause. I hear no denial of my statement. Silence gives consent.

Section 8: The Congress shall have power to lay and collect taxes—

We have already quit that.

duties, imports, and excises—

We have already abrogated that, have we not? That is gone.

to pay the debts—

Congress has the power to pay the debts of the United States. It may have power to pay our debts, but it is not going to pay any, the way we have been going. What is the use of having the power? We have power to pay debts, but when our administration came in we owed $19,000,000,000, and now we owe $29,000,000,000. We may have the power to pay our debts, but it is like the crawfish; it goes by reverse locomotion.

To pay the debts and provide for the common defense and general welfare of the United States—

Listen to this, however: I am still reading from the old, worn-out, abandoned, "horse and buggy" Constitution of the United States. I am going to advance. I am not going to go back. I am going to move up a step from the bull-and-plow operations going on in some parts of this country to the "horse and buggy" Constitution.

but all duties—

Listen to this, Senators, and see how far we have gone away from the Constitution:

but all duties, imposts, and excises shall be uniform throughout the United States.

Well, now, let us see—

all duties, imposts, and excises shall be uniform throughout the United States.

That may be true in one sense, technically speaking, but in actual practice it is not. These things are not uniform throughout the United States, because sugar is the same thing to the sugar planter that corn is to the corn planter, or cotton is to the cotton planter, or citrus fruit is to the citrus-fruit planter. Down in the southern part of the United States of America there is a different wage scale than there

is in the North. We do not pay labor in the South what you pay them in the North. We do not have to. Why? Fifty cents in Louisiana is worth a dollar in Ohio. I mean ordinarily, the way a man can live, I should say 75 cents, at least, in Louisiana is worth as much as a dollar in Ohio. Furthermore, it is worth 50 cents more to live in Louisiana. [Laughter.]

That is why my people left Ohio. I am a grandson of the State of Ohio and a great-grandson of the State of Pennsylvania. My ancestors moved down to Louisiana and were arrested and put in the Confederate Army down there. About the time they got down there and got well located they made southern patriots out of them by arresting them and putting them in the army. Naturally, I am the son of a Confederate veteran by reason of that fact. I do not owe Ohio the credit for making me the son of a Confederate veteran. I owe that to the sheriff; but I appreciate it just the same.

However, I may say seriously that relatives of mine fought on each side of that war, and some of them wanted to fight on both sides—not those that just got down there, however.

Under the N. R. A. bill, we had certain disadvantages on transportation but we had certain advantages on climate. In other words, in order to sell our goods up here in the eastern market we had to pay a higher freight rate than did the man over in Cleveland, Ohio, because we had three times as far to haul the stuff. So when they went down there and said we had to pay the same wage that was paid in Cleveland but a higher freight rate to get to the eastern market than was paid in Cleveland they just the same as said we could not sell anything at all in the eastern market. They closed up our business down there as tight as a drum because of the simple fact that while they made us pay a wage that was identically the same as the wage that was paid in Massachusetts and the wage that was paid in Ohio and Connecticut, nonetheless, the producers in those States could ship into the New York market 100 miles for a 100-mile freight cost, and we would ship in there 2,000 miles for a 2,000-mile freight cost.

We closed up. We went out of business. Some of the textile mills of South and North Carolina were moved to Brazil because they could not meet that kind of competition, and they are running down there now, and more of them are going. Where are the textile mills today? Where are the cotton people today? Talk about the good you have done the cotton people! I want to tell you about that, in order to show you that this article of the Constitution is not in effect, topside or bottom, at this time.

Down in the State of Louisiana we have a little town called Arcadia. There was a farmer there who planted cotton. The colored people live on those plantations year in and year out. You could not drive them away. In some cases they would rather live there than anywhere else, and if you drove those colored people away from there it would break their hearts. They live there day in and day out, and they live their lives out there. They are happier there than they would be anywhere else on God's earth, and just as free.

What did the agents of the Government do under the N. R. A. Act? They cut the cotton acreage. They said to the man in Arcadia, "You cannot raise 100 acres of cotton; you can raise only 35 acres." What did he do? All he did was to tell his colored people, "You cannot work here any longer, because what little work is left has to be done by the white people, and I have my family to take care of." So, therefore, what they did with this cotton business was to put the colored people on the relief roll, and to leave the white people to raise the cotton around that town.

I am using these figures; they may not be exactly accurate, but they are about what I think they should be. They said to this man, who had been planting a hundred acres of cotton, that they would not give him a permit to plant more than 5. It was said, "Only the whites can plant. The colored cannot", and they put the man on the relief roll.

What did they do the other day? They went to this man and said, "Aren't you a Huey Long man?" He said, "Yes; I am a Huey Long man, voted for him every time he has ever run, and will vote for him until he dies."

They said, "We are going to take your Negroes off the relief roll. We have been operating this cotton-reduction program, and we let the whites plant the cotton and you put the colored on the relief roll because all of them did not have the right to plant cotton, and now we are going to take the colored off the relief roll and turn them back on you unless you vote the right way."

Is that equality of law? Is that justice?

These charges are very serious. The Senator from Texas thought they were very serious. Why do you not have a congressional investigation if they are so serious? I defy you to have one. I defy the United States Senate to investigate James Aloysius Farley and his whole litter, and everything connected with this matter. I defy you to investigate. If what I have told here is not so, I ought to be thrown out of the United States Senate, and if what I am telling is true, this whole gang of brigands ought to be sent to the United States penitentiary. I defy them to investigate them. I know we will not investigate it. It is a sad condition of affairs that we will not.

I call names, I call dates, I call places. I call them out. I specify. I leave nothing to imagination or to the conclusion of anyone. I specify these things as I have been told them by responsible people, men who I know tell the truth, and who are prepared to prove them in case I should have to prove them.

Mr. LEWIS rose.

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

Mr. LONG. I yield.

Mr. LEWIS. I decline to interrupt the eminent Senator in his continuing serial of long chapters.

Mr. LONG. The Senator declines to ask the right to interrupt.

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

Mr. LONG. I yield for a question.

Mr. BARKLEY. The Senator has been making a very able and persuasive address, and I think he has persuaded us that we ought to vote for his motion to reconsider. Will he let us vote on his motion, now that he has convinced us of its wisdom?

Mr. LONG. If the Senator from Kentucky announces he is in favor of the motion, I am going to withdraw it. I want the Senator to think very carefully; because if I find out that after mature deliberation the Senator from Kentucky is going to vote for my motion, I will know it is wrong and I shall withdraw the motion. [Laughter.]

The PRESIDING OFFICER. The Chair again admonishes the occupants of the galleries against any demonstration of approval or disapproval.

Mr. BARKLEY. Mr. President, at the beginning of the Senator's remarks he announced that he made his motion in good faith; and if he withdraws it on such a flimsy pretext as that announced by him, or votes against it when it is voted on, it will, of course, raise some question in our minds as to the accuracy of his original statement.

Mr. LONG. Mr. President, the Senator from Kentucky has not half the right to say that as I have to say what I am saying, for this reason: I have watched the Senator from Kentucky ever since I have been here. In fact, I took a tabulation on him at one time.

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

Mr. LONG. I yield.

Mr. BARKLEY. The Senator has not watched me half as much as I have been watching him. Probably I do not need watching as badly as he does. [Laughter.]

Mr. LONG. The Senator does not know how much I have watched him. The only time that I have ever seen the Senator vote right in my life was when I told him in advance how I was going to vote, and he voted that way, by accident.

Mr. BARKLEY. If I voted the way the Senator did it was by accident. [Laughter.]

Mr. LONG. The only time I ever voted wrong in this body—and I had to apologize to the present occupant of the chair, who criticized me for it—was the time when I let the Senator from Kentucky advise me. [Laughter.] I will not take the Senator's word for this until he thinks it over very carefully, because he is likely to change.

Mr. BARKLEY. The Senator ought not to be so weak as to admit that I or any other Senator could change his vote on the spur of the moment.

Mr. LONG. The Senator from Kentucky is capable of considerable harm. I have found that to be the case. I do not know how much good the Senator may be capable of, but I know the Senator persuaded me once to do something I have been sorry ever since I did; and it did not take him long to do it.

I am not going to take haphazard judgment on the Senator from Kentucky. If, after mature deliberation, after he has slept over it for some time, the Senator from Kentucky comes back and tells me he is going to vote for this motion, I intend to withdraw it. That is my present intention.

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

Mr. LONG. I yield.

Mr. BARKLEY. I do not want to take the Senator from the floor by not asking a question, because if I did not propound a question he would be taken from the floor, and far be it from me to take the Senator from the floor; but I want to compliment the speech the Senator is making today by saying to him that he has convinced us that he is right in his motion to reconsider. Whether we vote on it at the end of his speech or whether he withdraws it, I think the result will be the same.

Mr. LONG. Mr. President, I have done considerable good with some of these speeches, and it is possible I may have done some harm. I do not think I will change the Senator from Kentucky. If the Senator from Kentucky is voting for my motion, I have no faith in it at all. I have less faith than none.

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

Mr. LONG. I yield.

Mr. LEWIS. Having been absent on official business, I do not know exactly to what motion the able Senator from Louisiana refers, though I must say that, so far as I am concerned, I regard it as continual motion and the Senator as perpetual action.

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

Mr. LONG. For a question only.

Mr. LEWIS. Mr. President, I was going to ask my able friend a question, who, as I say, I am pleased to recognize at any time as perpetual motion. What is the particular motion to which he now alludes on which he says he desires to have the support of the Senator from Kentucky?

Mr. LONG. I will state to the Senator that I have been delivering a lecture on the Constitution. For the last hour of my time I have devoted my remarks to a lecture on the Constitution of the United States.

Mr. LEWIS. I am afraid I regard that a foreign subject at this particular time. [Laughter.]

Mr. LONG. That is what I was afraid of. I had just made the remark that it was a vanished subject. But we love to talk about the myths of Greece. Grecian mythology is the most engaging of all subjects. Nothing is so interesting as the tale of the wooden horse that was dragged to the gates of Troy.

Mr. BARKLEY. I thought the whole horse got in, not simply the tail. [Laughter.]

Mr. LONG. The horse did get in. The horse probably had things around it like those the Senator from Kentucky might be thinking of.

Mr. BARKLEY. But it did not have anything in it like what the Senator from Louisiana has in him. [Laughter.]

Mr. LONG. I do not suppose it did. We love to read of ancient Greece, or the history of Troy. I do not read Greek——

Mr. BARKLEY. But the Senator talks a lot of it.

Mr. LONG. And I do not even know how to read Latin now. I do know some Latin sayings. I got it all for half a dollar in my early life. However, these things which are foreign, these things which are ancient, these things which are more or less a matter of mythology, are engaging, they are enticing, they are interesting.

I was speaking of the ancient and forgotten lore of the Constitution. Even love is not more bewitching than a discussion of its vanishing precepts. That is why I bring them up, that I may interest some in them. So for the past hour I have been devoting my remarks to a lecture on the Constitution.

As will be recalled by my friend the Senator from Illinois [Mr. LEWIS], who either has read all these things about Troy, or helped to write them, I do not know which. [Laughter.] They dragged a wooden horse right up to the gates of Troy, the Greeks made the Trojans a present of him, and the Trojans carried the wooden horse inside. What they did with the horse after they got it inside I do not know but the horse was there, and we have spent a lot of time talking about that wooden horse. It is the best understood thing there is in the schoolroom today, and my only hope now is to interest the young, rising manhood of this country in the forgotten articles of the Constitution of the United States by arousing in their minds an attraction to these things which are mythical, which are vanishing, and which depend upon tradition for their perpetuity.

I read further from the Constitution, or what was the Constitution—from this foreign substance:

> To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

We still have some commerce with the Indian tribes, which is regulated by Congress. We still have that to some extent. For all I know they are bargaining to give the country back to the Indians. There is still some commerce with them. The Government is carrying that on. But as regards commerce between the several States, that has passed out of the hands of Congress so completely that it does not even try to exercise the power at all.

As to regulating commerce with foreign nations, the Congress of the United States does not regulate commerce with foreign countries. It does not regulate the exchange with foreign countries. That is handled by the President of the United States. Congress does not regulate the cost of importing and exporting articles. Not a single provision of that article, "To regulate commerce with foreign nations, and among the several States, and with the Indian tribes," has been preserved to Congress except the right to regulate commerce with the Indians. The balance of it is all gone.

I shall yield to any Senator who may wish to undertake to controvert that last statement. Do I hear a dissent? Hearing none, silence gives consent!

> To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

Now, what did we do about that? "Uniform bankruptcies throughout the United States." Who is there who read the municipal bankruptcy law? We pass a law under that particular article—if it is still an article of the Constitution—on municipal bankruptcy, under which, according to the interpretation which has been given to that law by at least one court about which I know, one class of creditors who have preferred claims have a right to have their claims approved, notwithstanding the fact that the other kind of creditors who may be 25 or 100 times more numerous than are the others, are denied that kind of an adjudication.

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

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

Mr. LONG. I yield for a question.

Mr. TYDINGS. Out of order, I ask unanimous consent to have printed in the RECORD at the conclusion of the remarks of the Senator from Louisiana——

Mr. BARKLEY. Mr. President, I hope the Senator from Maryland will not press his request at this time.

Mr. TYDINGS. Very well.

Mr. LONG. The intense interest which is being manifested in my speech here causes me to proceed with almost

undue caution, and I feel almost impelled to request Senators to restrain themselves lest they applaud me as I proceed with my lecture on this question.

I have already proved that the power of Congress to regulate commerce between the several States and with foreign nations has already been abandoned. I was discussing the municipal bankruptcy law. Let me proceed further with that before I lose my train of thought. There is a provision in the municipal bankruptcy law, if it be a law—and I hope the Supreme Court will hold it to be unconstitutional—that one State can protect its creditors, but if it does so, it is at the hazard of having itself cut off from receiving Federal gratuities. In other words, the hazard of having itself cut off from any of the $5,000,000,000 which we appropriated.

We met down in Louisiana and passed a law providing that municipalities could not go into bankruptcy or borrow money without the consent of the State. One of the cities in Louisiana ran into the United States court with a bankruptcy petition in its left hand and ran up to Washington with an application for $100,000,000 in its right hand, and because the State of Louisiana tried to pass a law to keep them from flimflamming in the name of the State, Harold L. Ickes, the chinch bug of Chicago, in charge of the Public Works money, issued a statement that they would not let the State have any money if it had such a law as that on its statute books. If we had listened to Ickes, we actually would not have been allowed to pass a law which would have prevented the city and the board from repudiating and renouncing its just and honest debts if the city itself was borrowing from Federal funds.

We did not care to have Louisiana municipalities repudiate their debts and borrow money from the Government at the same time. In the first place, they did not need the money. In the second place, they ought to pay the debts which they owe, because Louisiana has told the outside world, "Whenever you have the seal of Louisiana on any kind of obligation which the State has authorized, or which it has authorized any of its municipalities to issue, we are going to try to get you your money for it."

When the State of Louisiana protested against that kind of thing, who was it that rose up and said he would not stand for it? It had to come from Washington, because the State insisted that its valid obligations, incurred through boards and subdivisions of the State, had to be constitutionally paid in the manner in which they were obligated. Is it a crime to be honest? Is it a crime to pay? Yet they call that a uniform system of bankruptcy.

I now come to the next clause:

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

Does Congress exercise that power? If there is a man in the Congress who says that Congress exercises that power I want to take a look at him. I want to hear any man in the Senate who says that Congress still exercises the power "to coin money, regulate the value thereof, and of foreign coin." No one will say that we do. The next is:

To provide for the punishment of counterfeiting the securities and current coin of the United States.

Congress passed out its authority on that subject to the President of the United States and authorized the President to prescribe what was and what was not money, and to prescribe penalties. We still have laws against counterfeiting on the statute books, and that is about all there is to that.

To establish post offices and post roads.

We put that out also. Congress does not appropriate to the several States money for post roads any more. We authorized the President to authorize someone else who says how and to whom he is appropriating and granting money for public roads.

To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

That has probably not been bothered as yet.

To constitute tribunals inferior to the Supreme Court.

We have exercised that power in that we have named circuit and district United States judges, but there are now a thousand courts which are more important than the circuit and district courts and which the Congress has practically nothing whatever to do with constituting. All the courts that have been constituted to make rules and regulations, impose preliminary fines, and make adjudications under the N. R. A. and the A. A. A. and the J. U. G., and everything else, have not anything at all to do with Congress. The ordinary man never sees a United States court, but sees over him every day these little bureaucratic tribunals that are now in existence. He lives in constant fear that the time may come some morning or some night when they will say to him, "You cannot plant corn. You cannot plant cotton." Nobody knows what is going to happen. Someone may come around like the lightning-rod salesman who used to come around. The emissaries of Government bureaus go around like the fellows used to come around with their little sample boxes, with one of the portfolios such as a lawyer would take with him.

In my day and time the ordinary country lawyer did not have a portfolio case or a brief case. It was only the man who was a real big lawyer who would carry anything like that around with him. Now we see these little fellows carrying them all around the country. One of these fellows will set himself up in a little school house or on the back porch or in the dining room of some farmer, sit back and put his brief case on the dining-room table, proceed to prescribe rules and regulations, to impose fines and the penalties and make adjudications and then move on, and the people there do not know what happened to them before he came, what happened to them when he was there, or what will happen in the future. Then this man will move on to another place. And next day someone else will move in there who decides he will take a census, and a bureau representative will come to a man's house and ask him what he has; what he has done this year and what he made last year, what his children are doing, and so on. Every one of these men are empowered by some rule or regulation or some law to propound such questions and inquiries, and whoever fails to give information or withholds information can be sent to the penitentiary.

No one knows what they are doing. More bureaus and more courts and more organizations of that kind are settling all over this country. Talk about the king who was troubled by the locusts for 7 years. If we only knew that for the next 7 years the scourges would not be any worse than those we had for 7 years before the last 7 we would feel that we had been given remarkable relief.

There are today in the United States, I suppose, not less than 100,000, at the very minimum, of these adjudicating, fact-finding, tax-raising, law-making bureaucratic traveling ambassadors. No one knows the harm they are doing. The people of the United States are in fear and trembling. No man knows for what he is likely to be prosecuted or held up.

And now we again have this old N. R. A. thing here. I went down to Louisiana and issued a statement. I said over the radio to every man in Louisiana. "In this sovereign State of Louisiana pay no attention to the N. R. A. Take it on my word. If you go to jail I will go to jail with you." I said, "This thing is unconstitutional and a charge on Government. Pay no attention to the N. R. A. in the State of Louisiana." And very few of them did.

The only trouble is when they had to cross the State line with their goods they could not help themselves. They never did indict any of them, to amount to anything, but they were getting ready to indict them by the wholesale. However, just about that time, thank God, the Supreme Court of the United States knocked the whole thing into smithereens. Louisiana is the only State that has conducted a constitutional government for the last 2 years. We live under the Constitution of the United States, thank God! The people of Louisiana are satisfied with it. The Constitution of the United States is good enough for us. What we complain about is the failure to do what can properly be done within

the Constitution, and undertaking to give us these fiascoes and half-baked remedies and flimsy schemes which are cooked up between sundown and sunup, and which are wrecking this country. We are trying to keep them from continuing to plague us.

I will read a little further:

To define and punish piracies and felonies committed on the high seas.

The present Presiding Officer (Mr. POPE in the chair) comes from Louisiana, and ever since he left Louisiana I know that he has been wanting to come back to Louisiana, and some day we may let him come back, for all I know. Some of my colleagues here did not know, perhaps, that the present Presiding Officer of this body came from Louisiana, that he was born within 20 miles of where I was born, which, of course, ought not to be held against him. Inasmuch as he originally came from Louisiana, it is not necessary to inform the present occupant of the chair as to the piracies referred to in the clause of the Constitution I have just read, but to those who come from the interior, those who do not understand the regulations around the ports and the broad streams, I will explain what is meant by the phrase "to define and punish piracies."

There are many who think that the boat called the "*Nourmahal*" would come under this provision of the Constitution. This $5,000,000 yacht of Vincent Astor, in which he runs around, does not come under this clause; it is not covered by it. I will get to that point in a moment and refer to the particular clause under which that yacht is regulated. If the Chair will pardon me, however, I will digress and mention a matter which has just come to my mind. Before we come to the question of regulating the *Nourmahal* let us get through with the *Nourmahal* regulating us. In other words, do not throw stones when you live in a glass house.

The *Nourmahal*, Mr. President, has a good deal more to do with the Government than the United States Senate has been showing it has had to do with it. There are many Senators here who, like me, understand the deliberative functions of the body as they are carried on, but just how laws are thought of and how laws are made and how they are figured out and gotten around and modified and how they are made material to one and immaterial to another—those things do not come within the experience of the ordinary Member of the United States Senate. The laws are sometimes made in one way and enforced in other ways. Take the $5,000,000 yacht, the *Nourmahal*. There are, perhaps, many here who are going to say, "What business has that man got with a $5,000,000 yacht", referring to Mr. Vincent Astor? It is one of the best investments that Mr. Astor has ever made in his life; that $5,000,000 yacht is a splendid investment. Five million dollars for a steamboat on which to float out on the seas—not a steamboat but a ship on which to float out on the seas! I was never on a ship in my life, except some of those that were coming into New Orleans from Honduras for a while during prohibition days. I used to go on board foreign ships that came from countries where they manufactured beer and articles of that kind in order to investigate and see if they were violating the law. [Laughter in the galleries.] I was the Governor of my State, charged with the enforcement of all the laws, and when the big foreign liners would come into the port of New Orleans I quite often visited them and inspected them, most particularly to see that there were no violations of the Volstead law at that time, and, I may say, that the laws were well enforced, in fact, so well that when the prohibition law was repealed nobody could tell the difference in that city. [Laughter.]

The *Nourmahal* is a $5,000,000 yacht. Who is there here who knows the ramifications of the *Nourmahal?* Here are some of the ramifications of the *Nourmahal*. Mr. Vincent Astor is the political side of the Rockefeller business at this time; that is, he is the visible side. Mr. Vincent Astor is a director in the Rockefeller businesses. He is a director in Rockefeller's Chase National Bank. He is hooked up with various and sundry ones of their oil companies. Mr. Vincent Astor is the controlling member of the International Mercantile Marine. Mr. Vincent Astor runs the *Nourmahal*.

Some people are going to tell you, Mr. President, that it does not make any great difference, when one is trying to get a few million or a few hundred million dollars out of the Government, whether he is close to the President or not. Many people will tell you that if you will go to Vancouver and sit there and write the President a letter asking him to let you have a hundred million dollars out of the United States Treasury, you have just as much chance of getting it as though you were with the President day and night out at sea on a yacht for about a month. I am going to say that whoever tells you that does not know about things nearly as well as I do. You have a whole lot better chance of getting the coin from a man who is right in the bed with you than you have from some fellow who is 2,000 miles away. I learned that in McGuffey's First Reader. I learned, beginning with the first reader, that if a man has $5,000,000,000 and you are trying to get a hunk of it, if you can get that man to come and stay in your house for a month you have a whole lot better chance of getting some of that money than if you are in the Philippine Islands and he is in Washington. I know that many will laugh at me and say that is not so; but it is so. I am going to say it again in another way. If you have a friend who has a hundred million dollars on which you are trying to get your hands, if you can get that man, not only in your house, but if you can take the house and move it a thousand miles away where nobody else can get between you, you have two times as good a chance as though you left him with other people messing with him.

I am familiar with this business. I had an uncle who used to lend money. He never wanted to lend me a cent; but if I could just get him to come up to the old country place, 10 miles out of town, and induce him to stay with us over night, and get him off all by himself for a week or two, 9 times out of 10 I wound up by borrowing something from him; but so long as he stayed in town at the bank and everybody else could get hold of him and whisper to him, there was not much chance of my landing any loan from my uncle. I want to tell you that if I were trying to get money out of the President of the United States and Vincent Astor and the Rockefellers were trying to get money out of him at the same time, and I were trying to get to him before they got to him, but they got hold of him and took him 500 miles to sea on a $5,000,000 yacht and left me sitting on the dock in July, with the thermometer at 102° in the shade, they would get the money and I would get the sunshine. [Laughter.] That is the difference.

I do not know what they went out on the *Nourmahal* for. I understand they were fishing; it was a fishing trip; and when the President of the United States got back he said, in a statement he made, that he went fishing to find out what the people were thinking about. I must say that he had good authority for that. He said that the reason he left Washington was that he could not find out about things while he was here; so he went fishing, but I will tell you what they did out somewhere. The International Mercantile Marine of the Astors—I hope the Senator from Missouri is not going to leave the Chamber; I will mention his name in a minute, and it will be a complimentary reference, too.

Mr. CLARK. I will return in just a moment.

Mr. LONG. The International Mercantile Marine, which is owned by Astor and the Rockefellers, has a contract such as nobody else has ever been able to get, under which they are paid sometimes as much as $1,000 or $2,000 or $3,000 for taking a postcard from the United States over to some foreign country. They have a mail contract that is the "sweetest" thing that ever has been heard of, and when they were down there on the *Nourmahal* on one of these trips there was a dispatch found in one of the files up here, which I read on the floor of the Senate, by one of the partners of Mr. Astor, "We have got the party in tow and the thing looks good", or words to that effect. It did look good.

The Senator from Missouri [Mr. CLARK] rose here yesterday and showed that the gas companies had been exempted

from the public-utility holding company bill. I did not hold that against my friend from Montana [Mr. WHEELER], nor against his motives or good purposes, because the Senator from Montana stood here on the floor of the Senate and said that the power of the gas element combined with and added to the utility holding company element was too big a force to fight in one battle.

But do not forget that after the holding-company bill came here, the trip on the *Nourmahal* took place, and there was a change made in the bill which let out the gas companies in which Vincent Astor is interested. I know my friend from Montana was doing his dead level best to hold them in the bill and he was "tickled to death" when the Senator from Missouri [Mr. CLARK] made his motion yesterday and gave the Senator from Montana a chance to vote for it. I compliment my friend from Missouri for having discovered the elimination of the gas interests.

There is a little difference between the gas companies and the electric companies.

Mr. LEWIS rose.

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

Mr. LONG. I yield for a question only.

Mr. LEWIS. I propound to my able friend from Louisiana a question for information as well as to sustain his judgment and conclusion. Does the Senator from Louisiana mean to indicate that whoever used the phrase, "We have the party in tow", wherever it was used—the Senator said he had occasion to recite it to the Senate—intended it to apply to and meant the President of the United States?

Mr. LONG. I do not quote those as being the exact words. That was the effect of the words. I shall have to read back in the RECORD and get the message. My opinion is it did refer to the President of the United States.

Mr. LEWIS. Does my able friend mean to intimate to the audience in the galleries, to the public, and to the able representatives of the press that the President of the United States, as a guest of Vincent Astor on a yacht, was amenable to the influence of his host to such an extent that he would grant or permit the money of the United States or the favors of the Government to be granted to his host as the result of and as compensation for the trip on the yacht?

Mr. LONG. I shall answer the question. I do not intimate anything. I stated what the telegram was. I do not know how to intimate, but I tell the Senator that he wired back and said words to the effect, "We have the party here and things are hunky-dory."

What was the question? Do I intimate Mr. Astor would use it for that purpose? Do I intimate Mr. Astor would use that $5,000,000 yacht to make money out of the Government? Yes; just like taking candy away from the baby. Certainly I do!

Mr. LEWIS. My question was, Did the Senator intimate that the President himself would be used or allow himself to be used by Mr. Astor or anyone else for the purpose of granting money to Mr. Astor or his company, but, particularly, may I ask if he thinks the source of the information to which he refers was so reliable that he himself would rest upon it and draw a conclusion from it?

Mr. LONG. The Senator has asked two questions: First, whether I think the President would let himself be used or would he use himself. Do I "think"? I decline to answer the first question on the advice of counsel.

Question no. 2: Would Mr. —— What was the second question? I have forgotten.

Mr. LEWIS. I observe now that the able Senator is saying to me, when I asked if he would think, that he declined to answer the question by advice of counsel, which would seem to indicate that he is conscious he really does not think.

Mr. LONG. Oh, yes; I think. I have my idea, but I do not want to say. The Senator knows what I think. Outside I would not mind telling him, and I would not mind telling him here, really. What was the other question?

Mr. LEWIS. It was, Does my able friend attach a value to whoever this author was as being the kind of person whose word might be relied upon?

Mr. LONG. Oh, yes.

Mr. LEWIS. Would he attach importance such as to believe such a person would have an influence on the President of the United States sufficient to justify the conclusion "we have the party in tow", meaning that the President of the United States was amenable to the influence of whoever sent such a vulgar message?

Mr. LONG. I understand the committee attached enough importance that they called Mr. Astor down here to testify. Mr. Astor was here and testified before the committee. They thought enough about it to call him. He appeared before the committee investigating ship subsidies and air mail subsidy contracts. The chairman of the committee, I believe, was the Senator from Alabama [Mr. BLACK]. I say one does not have to eat a whole beef to tell that it is tainted. When a man is getting contracts out of the United States Government that are netting him hundreds of millions of dollars and he has the grantor of those contracts out on his $5,000,000 yacht week after week and month after month, where nobody can see him, and they come back and he gets another hunk of money, and then they go out and have another trip and he comes back and gets another hunk of money, if I were advising my friend the President, be he the most honest man ever born on earth, I would say to him, in the words of the Bible, "Avoid that appearance."

Mr. BLACK. Mr. President——

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

Mr. LONG. I yield.

Mr. BLACK. The Senator has referred to the fact that Mr. Astor came before the committee of which I am chairman, which is correct. I desire to state, however, that there was no evidence before that committee of any kind that I recall, and if I am incorrect I ask that I be corrected by the Senator from Maine [Mr. WHITE], who was present, that any effort had been made to talk to the President about anything in connection with any contract at any time. I am sure the Senator from Louisiana does not mean to imply, because I know he would not do that, that there have been any new contracts granted to the International Mercantile Marine with reference to mail pay.

I might call his attention to the fact that in the recent report which was filed in the Senate, and a copy of which was put on the Senator's desk—and if he has not read it I hope he will do so—a full and complete report is made by Mr. Farley not only with reference to International Mercantile Marine contracts but the mail contract of every ocean mail company which has a contract with the Government. Mr. Farley made a most interesting report and a very keen and clear analysis.

I am very hopeful that when the ship-subsidy bill comes before the Senate we may be able to obtain the proper legislation to correct not only the contract of the International Mercantile Marine but the contract of every other company which has received any of the mail contracts, where the evidence has shown there has been abuse of law and injustice has been done.

If I am incorrect in my statement about Mr. Astor's testimony I should be glad if the Senator from Maine would make a statement, he having been present at the time, if that is agreeable to the Senator from Louisiana.

Mr. LONG. I have no objection.

Mr. WHITE. Mr. President, I think the Senator from Alabama has stated with accuracy the effect of the testimony of Mr. Astor. He has omitted, however, to make mention of one question which Mr. Astor refused to answer, and that was the question I propounded as to whether, as a matter of fact, the President was as much of a fisherman as the papers reported him to be.

Mr. BLACK. That is correct. He declined to answer whether the President was as good a fisherman as he was reported to be, and I stand corrected on that particular point.

I merely desire to have appear in the RECORD the facts which I have stated, since the Senator from Louisiana has made his statement with reference to what took place before the committee. There has been no additional mail contract of any kind or character granted to the International Mercantile Marine since this administration went into office. On the contrary, if the Senate will follow the recommendations of the Postmaster General's report, which is a very keen and clear analysis of the situation, we will save to the United States some millions of dollars.

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

Mr. LONG. I yield.

Mr. WHITE. I hope the Senator from Alabama understands that I am not confirming anything else he said about merchant-marine matters.

Mr. BLACK. I was calling on the Senator with reference to what happened with regard to Mr. Astor; but the Senator can confirm, if he has read it, the statement that the Postmaster General has made a very exhaustive report on the contracts of the International Mercantile Marine, explaining how in some instances, in his judgment, they had been awarded contrary to law.

Mr. WHITE. I should say that instead of an exhaustive report he had made an exhausting report.

Mr. LONG. Mr. President, I do not want the Senators to argue among themselves. I will take the word that is most favorable to the President, and that will be enough to justify my illustration, and that is this:

When I was on the Senate floor I pointed out scores of violations of the contracts by the International Mercantile Marine. I pointed out that they did not repair the *Leviathan*, but that they laid the *Leviathan* up; and I demanded on the floor of the Senate the cancelation of Vincent Astor's contracts. They were far more fraudulent than any air mail subsidy that ever existed. Compared to the ship-subsidy contracts and frouds, the air mail contracts did not amount to a drop in a bucket; but nothing ever was done about it. In the meantime, Astor does not have to have any new contracts. He is better off than the air mail people were. He has the contracts. He has the thing tied up. You did make the air mail people perform their contracts, and the contracts were canceled while they were performing them; but in this instance, the shipping people, they not only had fraudulent contracts but they did not even live up to the contracts, however fraudulently they were acquired, and the Astor-Rockefeller-International Mercantile Marine combination has profited to the extent of millions and millions and hundreds of millions of dollars on this and other matters.

Ah, there is something else! You do not have to eat a whole beef to tell when it is tainted. There was not a chirp; there was some influence against which the Senator from Montana [Mr. WHEELER] and all the committee could not prevail that was slipping this Vincent Astor-Standard Oil-Rockefeller gas interest out of the holding-company bill. They were slipped out of the bill notwithstanding the fact that I had specifically said they had to be kept in the bill if I could do it. They came in here with the holding-company bill affecting electric-light companies and electric-power companies only, and I had to tell some of my friends that I could not object to a man voting against the whole bill with some of the discriminations that they were trying to make in it, and I suspect they were made in it, although I think the bill is good so far as it went, and I am for it whole-heartedly and supported it whole-heartedly; but there is a little difference between the Morgan fortune and the Rockefeller fortune. The Morgan fortune is concerned to a large extent with power companies and railroads. The Rockefellers deal in oil and gas. We have gone after the Morgans pretty well at times in the Senate, but we never have gone after the Rockefellers. The Rockefellers have managed to keep going pretty well. They have run their revolutions down in South America without any interference, and I am told that at the time I was having one of my battles with them there was considerable discussion about interference with Louisiana because I was trying to put a tax on them down there. All this talk of dictatorship in Louisiana came from one thing—because we put a tax on the Standard Oil Co., and maintained the law, and they rose up and said they would not pay it.

I want to tell you that there is not any question whatever in my mind, as far as I can see, and I give my word—and that is all I have—that I am absolutely honest in it, that the Rockefellers and their various and sundry combinations and monopolies have never once been injuriously affected, but, on the contrary, have most monstrously profited by the various things that have been done in this body under the new deal.

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

Mr. LONG. I yield for a question. I do not wish to lose the floor.

Mr. BLACK. I do not desire to ask a question, but I should like unanimous consent that the Senator shall not lose the floor while I make an announcement about some reports which have been placed on the desk of each Senator.

Mr. LONG. I see the book.

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

Mr. LONG. Yes, sir; with the understanding that I do not lose the floor.

Mr. BLACK. I desire to announce that there has been placed on each Senator's desk part 3 of the reports by the Postmaster General on the ocean mail contracts. Part 3 contains the agreed statement of facts with reference to each individual contract made for the carrying of ocean mail, and it likewise contains the Postmaster General's report on the contract with the Pan American Airways, Inc., and the Pan American-Grace Airways, Inc. It has been placed on the desk of each Senator for his information in connection with the two previous volumes.

I thank the Senator from Louisiana for permitting the interruption.

Mr. LONG. Mr. President, these people are reaping millions and millions of dollars of profit. We are on toward the end of the third year of this administration. It has been going on for 3 years. At the end of 3 years they make a report. If they had canceled out this thing, they would have saved the United States Government, at the very least, many, many millions of dollars. They are not going to cancel them out.

I make the statement again, as I made it in the very beginning, that there has not been anything done that injuriously affects the monopoly and the control of the Rockefeller-Standard Oil interests in the United States, but, on the contrary, that their competitors have been put out of business in thousands of cases as a result of laws and regulations of this administration.

I make the further statement that when we were talking about abolishing holding companies we said we wanted holding companies abolished which the facts proved to be guilty of irregular and wrongful transactions. We said we wanted companies abolished which had been investigated either by the Federal Trade Commission or by a court, in order that we might be absolutely certain of what we were acting on. That was one statement we made. Although we had a report by the Supreme Court of the United States, in 234 United States Reports, that condemned the entire oil-gas pipe-line combination as a monopoly and a price-fixing criminal agency from top to bottom, we never did a thing about that holding company unless we rather got them in the backwash of the gas interests in this bill. We had a report made by the La Follette committee about the year 1925 or 1926, or perhaps it was in 1923, in which the La Follette committee which investigated the Standard Oil holding-company combination reported that they absolutely had a strangle hold on the whole country; and, if I do say it myself, we had a report of the Louisiana Railroad and Public Service Commission, of which body I was the chairman, which had reported on the same matter and the network in that region or territory. But regardless of those reports and judicial inquiries and judicial proceedings there

never was anything done to affect the holding company of the Rockefeller-Vincent Astor combination; and it never will be done.

I want to tell you right now that I have been a railroad commissioner a long time. I am a friend of Mr. Harvey C. Couch, a Power Trust man, and the president of the Louisiana & Arkansas Railroad Co. Mr. Couch has quite often sent down his private car, or the railroad company has, but we have paid them dollar for dollar. We have paid them the extra fares, and we have paid them the extra charges. I have never allowed them to give me a single scintilla of consideration that was not being given by their competing lines; and I want to tell you that when you are dealing with these big oil combinations that you are not passing any laws against, and these big gas combinations that have the United States by the throat, and these gigantic combinations of the International Mercantile Marine, and you are letting them take you out in the Atlantic Ocean on a $5,000,000 yacht and keep you out there for 4 solid weeks, away from everybody else, it does not look well. I am going to tell you right now that I would a dad-gummed rather see Mr. Vincent Astor sell that yacht to the United States for $5,000,000, plus 10-percent profit, and take the five and a half million dollars and go with it than to see him rolling the President of the United States out there to meet the Duke and Duchess of Kent somewhere around the Bahama Islands for 4 weeks.

They said you had Mr. Astor before you as a witness. I did not summon Mr. Astor as a witness. I would have had too much sense to expect Mr. Astor to give any testimony that would have done any good. You called Mr. Astor in there, and you said, "Mr. Astor"—I do not know what the questions and answers were. I did not hear them, and I did not read them, but I will repeat them to you. I never heard him, and I never read his testimony, and I never asked what it was, but I will tell you what his answers were.

He was asked about this:

"Mr. Astor, did you mention any business of the Government to Mr. Roosevelt?"

"Oh, no! Nothing of the kind was mentioned. I never even thought about business. In fact, I forgot that I had a contract drawing a few million dollars out of the Government Treasury for carrying a postcard down to Timbuktu. Why, no; I never thought about it! I was only interested in fish. There was a peculiar kind of fish down there, and we were having trouble getting the fish in, and these two little hundred-million-dollar contracts did not make any difference with us. We wanted to see if the President could not go down there and bring in a fish, and, for all we know, he might have been able to catch a 'kingfish' while he was down there on that trip." [Laughter in the galleries.]

The PRESIDING OFFICER. The occupants of the galleries will have to preserve quiet.

Mr. LONG. Mr. President, I could tell what the answer would be without reading it: "There is nothing wrong. I was not thinking about business. I was simply on a pleasure trip."

Mr. President, I know something about that. I remember when I was chairman of the railroad commission of Louisiana, and I was the majority controller; they wanted to meet me with a private car, they wanted to give me a dinner, they wanted to give me a banquet, they wanted to see that I had an invitation to all the golf links, and I got them. But lo and behold! one day the railroad commission of Louisiana turned 2 to 1 the other way, and they kicked Mr. HUEY LONG out as chairman and put a new board in, and I did not get any more invitations to ride on the private car, I did not get any more invitations to the golf links, and they never even brought me a hamburger, from the time I got out of control of the railroad commission.

Senators can see that I have had some experience in this business. You do not have to eat a whole beef to tell when it is tainted; remember that.

Now, let us get back to the Constitution. I was delivering a lecture here on the Constitution of the United States when I was diverted. The interest of the Senate was so manifest, nearly 15 Senators were here listening to this speech this morning—I mean afternoon. I was so much interested in my own remarks that I had forgotten that it was even afternoon. I felt as though it was still the morning, I was so much concerned with this very illustrious study of the constitutional mythology.

I will go a little further. I was discussing the rights of Congress to regulate commerce and to regulate other things, and I was making a research in order that I might define what, if any, powers were still left to Congress, and I had found two authorities still exercised by Congress. I had read the first nine pages of the Constitution, and I had found that there still had been left to Congress the right to adjourn, and some other power not quite so important. These two had remained more or less unimpaired.

Let us see. The Congress has some more power:

> To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

Congress has not recognized that power for so many years that it is almost impossible to discuss it. Congress has not had the right to declare war, I now make the statement again, because along about the time we were in the calamity of 1915, 1916, and 1917 we made demands on England and on Germany that they do certain things, and I have been told in private conversation by men who had the negotiations in charge to some extent that for a time they thought that if we went to war we would have to go to war against England. I have been told that in private and confidential conversation by men who were concerned very, very closely in some particular with those matters.

Why did we not declare war against England? Because we were kin to them? No; we were kin to Germany, too. Most of us who had English blood in our veins had German blood also. I had both.

Why did we not declare war against Germany earlier, or against England then? For very obvious reasons. It was because the American financiers were not financing Germany. They had cast their lot with the Allies. They were financing England and France and Belgium, and they financed and financed and financed until the Allies were at the end of their credit resources.

Suddenly the United States was drawn into the war. If the information which was subsequently given out by the State Department is true, the United States had as much right to go to war against England a year before as it did when it went to war later against Germany. But the loans had been made to the Allies, so the United States of America was covered from pillar to post with advertisements of the atrocities being committed by the Germans, with statements that the right arms were being cut off Belgian children, with all the tales of the murders and the outrages and crime against infant humanity.

Those infamous falsehoods were spread throughout this country, justifying the fanaticism under which the powers forced the United States into the World War.

I say now that when the Congress of the United States in April 1917 voted the United States into the World War they did it against the will of at least 75 percent of the people of the United States, and I am being very conservative; I would just as soon estimate it at 90 percent, because it is my belief that 9 out of every 10 were opposed to it.

Listen to this, another power:

> Congress shall have power to raise and support armies, but no appropriation of money to that use shall be for a longer term than 2 years.

Is Congress exercising that right? No. Did they authorize $3,300,000,000 for the sole purpose of the Public Works Administration, and did not the administration take hundreds of millions of dollars of that money, which never had been appropriated by the Congress of the United States for an army or a navy, and spend that money for the purpose of building up the United States Navy? Where was the appropriation of the Congress of the United States that authorized any such thing as that being done? I call on anyone to tell me, where was there in any act of Congress

an appropriation of $100,000,000, or whatever the amount of money was that was spent out of the Public Works Administration appropriation, for the purpose of building a Navy for the United States? Where was that appropriation? It is not in that law. The Constitution says that such things must be done by Congress.

Ah, but there was a reason. It was shown on the floor of the Senate by the senior Senator from North Dakota [Mr. NYE] the other day that when they got ready to spend this unappropriated money for the purpose of building up a better navy for the United States they met behind closed doors, according to the evidence they were able to assemble in writing, and they divided up into equal parts, as nearly equal as it was possible, said the Senator from North Dakota, to cut a pie into three parts—they divided into three parts the contracts for the work to be done in building the United States Navy.

They wrote letters to one another in advance and came down and saw the gang to see that they had everything fixed up, and before they ever got the money, before they ever made a contract, before they ever made a bid, there was a conspiracy between officers of the United States Government and those shipbuilding concerns and munitions makers by which they divided the contracts into three equal parts and set the prices and fixed the costs to be paid out of moneys which never had and never have yet been appropriated by the Congress of the United States. They took the money out of the Public Works relief fund.

Is there any answer to that? No. There is no answer to it. Not an answer has been made, and there will not be a single answer made about it. They go right along with it, talking about the little air mail fraud. They rushed out here, and with all the speed and dispatch possible for human beings to exhibit, they rushed out here between suns and canceled air mail contracts and put the boys of the United States Army to trying to fly the mails, and they killed one, two, three, four, five, six, or a dozen of them so fast that nobody could tell what was going to happen. But they had to cancel the little 2-by-4 pie-dough business of the United States subsidy for mail that the airplanes were carrying, on the ground that there had been a conspiracy by which they had divided up the business when they let out the contracts for carrying the mail. But when they found that the Constitution of the United States had been made a scrap of paper in building up a navy out of money that never had been appropriated for that purpose, when they found not only that, but that there had been a conspiracy by which the munition makers could charge just exactly what they wanted, what was done about it? Nothing. Why? There is not a reason under the sun.

I suppose that about 3 years from now Brother Jim Farley, if he is still in office—and God save the country if he is—will put another book on the table before us. After the horse is gone out of the stable he comes in here with some kind of a milk and water report about what he thinks we ought to do about something. In the meantime, keep on killing the rats. After they have paid out about a billion dollars of our public money on these flimsy frauds they will write a book about it and say, "Look what they did to us." But that will not be the end of what they do. Surely we do not think that is the only thing they know how to do. They will be doing a thousand things before that thing gets far along.

Are we exercising our power under the Constitution? I say that we are not. I pause for anyone to make a statement showing that Congress is exercising its power under this particular clause of the Constitution, and I hear no one speak to the contrary.

I read further:

> To provide and maintain a navy.

That was covered in the last point I made.

> To make rules for the government and regulation of the land and naval forces.

Mr. President, in this country we have "Constitution Week." It is the week in which we observe the Constitution. One week out of every fifty-two. It is like the joker in a deck of cards; it is the fifty-third card—"Constitution Week." This is one of the few times I have heard the Constitution read in the United States Senate since I have been here. In fact, it is the only time. I believe Senators who are hearing me read these articles one by one and calling to their mind how they are being disregarded today are for the first time calling to their minds how important it is that we return to some kind or form of constitutional government.

I am encouraged by the reception which has been given me by Members of this body. I am actually encouraged by the fact that I have received such splendid attention from Members of the Senate. I thank those who are in attendance for the very marked—whether deserved or undeserved—attention which they have given to me this afternoon. I appreciate it. Never could I have imagined a greater event in my life. I am almost happy when I realize that I am here in the greatest deliberative body in the world reading the Constitution of the United States to the elders.

Mr. President, it is the achievement of more than a life's ambition to be able to read this forgotten lore here in this body and receive such attention as I am receiving, and I thank the Senate for the lack of disturbance and for their quietness in allowing me to proceed with these remarks on the Constitution.

Mr. President, I had expected considerable combat as I progressed. I had expected many, many times to hear some controversy; but as I have read these matters and explained them simply, not as yet has there been more than one contradiction, it being understood, as I have proceeded here, that I have interpreted silence to be an admission on these matters which I am disclosing. So I proceed.

The next paragraph, Mr. President, is as follows:

> To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

That is an authority we do not have to exercise. So that is not important. That brings on no colloquy.

> To exercise exclusive legislation in all cases whatsoever over such district (not exceeding 10 miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States; and to exercise like authority over all places purchased, by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.

I do not suppose that is involved in the present discussion. There is no war on, but they are erecting such buildings now. They do not ask Congress about it, just as I said when I was speaking of the Navy.

> To make all laws which shall be necessary and proper for carrying into execution the foregoing powers.

I have already illustrated that we are not doing that. We are not undertaking to do it.

I now come to section 9. This is what I wanted to read from section 9:

> No money shall be drawn from the Treasury but in consequence of appropriations made by law.

In other words, there is no money to be drawn from the Treasury except in pursuance of an appropriation by law. I have already spoken about the Navy. We have appropriated $5,000,000,000. Mr. President, we have not said what is to be done with it. It is for the purposes of relief. What relief? Digging a canal, digging a ditch, blowing up a fort, building a road, hiring somebody—relief. Hiring men to work to take the census, hiring them to sweep the leaves from one side of the street to the other and then to sweep them from the other side of the street back again. Hiring men to do such work. There is not any such thing as an appropriation in regard to any of them. Just handing them out $5,000,000,000.

No one wanted to do much about it. Five billion dollars is to be handed out. I read in the newspapers the other day where one State is to get so much and another State is to get so much, and I saw then that one of the States did not get the money it was to get.

Mr. President, I have always thought that we ought to carry out this law as the law was intended to be carried out. I know how it was interpreted. We always said what the money was for. We always said what we would do with the money. We always said where the money was to go, and how much money. I had never heard of any such thing in my life, but I saw when I came here that the Congress was going to go ahead and give away $5,000,000,000. It is generally referred to outside of Congress as a "campaign fund." That $5,000,000,000 is generally talked of as a campaign fund. They are going to spend it in the States where it will do the most good. They are going to spend the money for votes. Outside of Congress it is generally talked of that the $5,000,000,000 will probably elect the President of the United States and others of the administration. The $5,000,000,000 is generally referred to as the "campaign fund." I have already shown what they are doing with that $5,000,000,000 down in my neck of the woods, and everyone knows what it is doing in the balance of the country. So I will pass that. There is no argument on the matter.

Mr. President, I come to article II. I have now reviewed with some exceptions article I of the Constitution. I will refer to article I at a later point of my address to explain those parts which have been omitted. Those parts, however, which I have not read and explained in article I are purposely eliminated because of the fact that I wished to refer to them in connection with later passages of the Constitution, where their relationship will be more readily understood.

I now come to article II of the Constitution of the United States. I am going along rather fast in this discussion. I have read the most important articles of the Constitution, those relating to commerce. It may be that I can shorten my remarks very materially when I get into these other articles, and just see what they are about, because perhaps they do not touch the powers of Congress.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. THOMAS of Oklahoma. Why has the Senator from Louisiana omitted to discuss the preamble to the Constitution?

Mr. LONG. I suppose I ought to go back and do that. I did skip that.

Mr. LEWIS. Mr. President, may I ask the able Senator when will he reach the conclusion of his remarks?

Mr. LONG. If my friend from Illinois stays here, he will know as soon as I do.

There is no question, Mr. President, that when my friend from Illinois and I get out in making our campaigns for reelection, that we are going to be profiting a good deal by what we hear from each other. We are both going to be candidates for reelection next year, and I am just as convinced as I can be that the good solid logic which I am expounding here this afternoon, which my friend from Illinois is drinking in every word of, is going to be of great benefit to him in the coming campaign.

Mr. LEWIS. May I ask my able friend if I am to go into the campaign with the public announcement that I am being supported by the Senator from Louisiana?

Mr. LONG. I declare that is putting an awful question up to me. I will give the Senator an answer to that question some time next week. If the Senator wants to win he is going to need it but I do not know. I am going to wait a while and decide. I will see how the Senator votes on the resolution. If the Senator votes for my resolution I may support him, but if the Senator votes against it I may hold it against him.

The Constitution of the United States of America.

There is a footnote at this point. I am going to read this footnote. I do not know what is in it, and I do not have time to read it except when I am reading it to the Senate. I am going to read this footnote to see what is in it. It may suggest something which may be important.

In May 1785, a committee of Congress made a report recommending an alteration in the Articles of Confederation, but no action was taken on it, and it was left to the State legislatures to proceed in the matter. In January 1786, the Legislature of Virginia passed a resolution providing for the appointment of five commissioners, who or any three of them, should meet such commissioners as might be appointed in the other States of the Union, at a time and place to be agreed upon, to take into consideration the trade of the United States; to consider how far a uniform system in their commercial regulations may be necessary to their common interest and their permanent harmony; and to report to the several States such an act—

This footnote is pretty long. I can explain it, however, to the Senate because I am now reminded of what it contains.

Following the Revolutionary War and during the Revolutionary War we were living under the Articles of Confederation, and it was realized that this was a rather ineffective, weak combination and aggregation of States. It did not have the power to carry its edicts into effect, so, therefore, the Legislature of the State of Virginia, by a resolution of that body, provided for delegates to meet with delegates to be appointed by other States, if and when other States appointed them to draft improvements and modifications of the Articles of Confederation.

My understanding is that they were not authorized to draft an entirely new Constitution, but they were supposed to improve and to modify the Articles of Confederation under which the War of 1776 was fought, and to make such improvements to the articles as they found to be necessary. I say that is my understanding of it. When the Congress finally met they worked around over the Articles of Confederation for a good while, and finally concluded to strike it all out and to write an entirely new document, which later came to be called the Constitution of the United States. Here is the preamble to that Constitution. The preamble is not a part of the Constitution, the Supreme Court has said, but nevertheless I read the preamble of the Constitution of the United States:

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

I read the last few lines of that preamble again:

To provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and posterity, do ordain and establish this Constitution for the United States of America.

Mr. President, I turn back now to the Declaration of Independence just for a moment, just as hastily as I can, and read the first few lines of the Declaration of Independence to show that this preamble sought and purported to carry into effect the principles incorporated in the Declaration of Independence on the 4th day of July 1776. I turn back and I read from the Declaration of Independence a few of these lines in order that it may be seen that the Constitution of the United States was practically keeping in effect the Declaration of Independence and its provisions. I read this because there is an apparent conflict between two articles of the Declaration of Independence and the Constitution of the United States which most students would never detect. I read this and I want Senators to notice this particular provision. This is something which has never been understood by 95 percent of the American people. Familiar with the Declaration of Independence as the people may be, I again say that 95 percent of the American people have never understood what appears to be an irreconcilable conflict between two of the clauses of this document. However, I shall explain it as I read:

When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

That is a kind of preamble to the Declaration of Independence.

That means to say that we ought to say why we are doing this. That is the preamble—

We hold these truths to be self-evident—that all men are created equal.

I want this to be heard particularly by Senators from the North—by all Senators from the North:

We hold these truths to be self-evident—that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness.

All men are created equal! What did that mean? The next paragraph of this article was prepared by Thomas Jefferson, and it condemned the King of England because he had allowed the institution of human slavery to exist in the Thirteen Colonies. The Declaration of Independence, which was prepared by the southerner, Thomas Jefferson, the Virginian, was presented to the Continental Congress with the statement in it that human slavery had been imposed upon the people of the United States by a corrupt King of the British Empire, and condemning the system of human slavery, and thereby promising its annulment and abrogation. When the Declaration of Independence was presented to the Congress on July 19, 1776, that southern document—hear me, men of the Senate—that southern document contained the provision that human slavery had been imposed unjustly and inhumanly upon the Thirteen Colonies by the King of England.

What happened to that proposed article of the Declaration of Independence? It did not become a part of the Declaration of Independence because representatives of certain of the northern States either absented themselves or voted against the incorporation of that provision in the Declaration of Independence to outlaw human slavery when this country was first founded. It was the father of the Democratic Party, not for any political consideration, who first proposed that human slavery should be eradicated from this land with the birth of the Nation, and if it had not been for the help which was given by representatives of Massachusetts and certain other States, either actively or by absenting themselves, there would have been incorporated into the Declaration of Independence the lines which would have freed the black man on July 4, 1776, instead of the 19th day of June 1863. It was a tie vote on whether Thomas Jefferson's article should remain in the Declaration of Independence to prohibit human slavery. On a tie vote the article was rejected, and so did not become a part of the Declaration of Independence.

If I may go further, Abraham Lincoln did not favor eradicating human slavery, not on your tintype! Time after time Mr. Lincoln gave out statements and made speeches that he was not advocating that the Negroes be made free. Time after time he did that. But as the public mind changed, Mr. Lincoln changed with it as one of the public, and finally Lincoln found himself drifting with the tide until he became an abolitionist. But do not forget that even in 1863, when Lincoln promulgated the proclamation of emancipation, he did not make the black man free. He freed the black men only in the States that were in rebellion; and the part of the United States which was not in rebellion was not included under the emancipation proclamation of June 19, 1863.

There is no greater admirer of Lincoln in this body than myself. I love his memory. I love every thing about the man's work; but the emancipator of this country was Thomas Jefferson by right, and if he had had the proper support the name of Jefferson would have gone down not only as the emancipator of the black man but as the emancipator of both the white and the black man.

So, Mr. President, the Democratic founders of this country were genuine emancipators, not carried on by political storms and fogs but by the consciences of the men assembled in 1776; and if properly supported, the founders of this party would have decreed an annulment of the institution of slavery ab initio.

Therefore, Mr. President, when Jefferson went into the Continental Congress with the Declaration of Independence and presented it for adoption, modification, or whatever they might do with it, they left in it the article that all men are created equal, but they struck out the article that the black man should be free. They did not notice it: but, while they struck out one article of the Declaration of Independence providing for freeing the black man, they left in it the declaration that all men are created equal, not noticing the conflict thereby made, that one would be born free and one would be born a slave.

That has all been cured, however. How? First, it was cured when the people of the United States adopted the amendment to the Constitution against the institution of human slavery. That is one way in which they cured it. That was freeing by law. Now it has been cured in another way. First, we made all men equal by freeing them all. Second, we made all men equal by enslaving them all. We made them free at one time. In 1776 we freed the whites. In 1863 we freed the blacks. In 1932 we completed the enslavement of the whites and the blacks. How? I will tell you how.

This is what we did: We found the United States groaning under an economic readjustment which was disastrous in its effect and result. We found the country enslaved with debt, $262,000,000,000 in debt. That is one thing. We had conducted an investigation to find out how much every man ought to eat; and we promulgated a bulletin—I think it is Bulletin No. 292 of the Agricultural Department—giving the number of pounds of the various types of food that each human being in the United States ought to consume. In the year 1929, what did we find out? We went out with a clamor—they did it here in Washington, and fooled all of us with it; I was one of those they fooled—we went out with a clamor that we had too much to eat and too much to wear, and that the country had collapsed because we had too much of everything. Lo and behold, we came along in the year 1932 with ten or fifteen million people out of work, $262,000,000,000 of debts, too much to eat and too much to wear, and, by proclamation of the President of the United States, acting under the power of Congress through the Department of Agriculture and various other departments, because we had too much to eat and too much to wear, people were hungry, people were starving, people were naked, and people were homeless, we went out to kill cattle because we had too many cattle to eat. We went out to kill hogs because we had too many hogs to eat. We killed the sows to keep them from breeding more hogs that people could not buy. We plowed up the cotton. We burned the corn. We limited the wheat. We took everything, and we christened the Secretary of the Department of Agriculture Lord Royal Destroyer. Out went his agents, destroying the food, destroying the material for clothing, destroying the homes, destroying the reproductive propensities of plant and animal life, because they had found out that there was more to eat and more to wear in the United States than the people had the money to buy!

But, lo and behold, that began in 1929. They said they started with this terrible surplus; and yet when we take the year 1929, and multiply 125,000,000 people or 120,000,000 people against the amount of food that the Department of Agriculture says every man ought to eat and every woman ought to eat and every child ought to eat, 125,000,000 times the amount of food that they said each person ought to eat meant that in 1929, instead of having a food surplus, we had a food shortage. We had 40 percent too little eggs; we had 35 percent shortage of butter; we had 69 percent shortage of dried fruits. We did not have enough of anything to eat. We had 10 to 20 percent shortage in milk; and notwithstanding the fact that in 1929, according to the figures of the United States Government itself, when we had too little to feed the country with, and in some cases we had only one-third as much as the people ought to have had to eat, yet when we got to the year 1932, because of the fact that the people did not have the money to buy the things we said they had to eat, we burned it up, and killed the hogs, and plowed under the cotton.

"People have not the money to buy clothes. Plow up the cotton, and shear the sheep, and put the cotton and the wool in the Atlantic Ocean!"

"People have not the money to buy the dried fruits of California and Louisiana. Dump it into the Pacific Ocean and into the Gulf of Mexico!"

"People have not the money to buy milk and eggs. Pour it into Lake Michigan and put it up somewhere around in Maine to keep it from coming into New York."

"People have not the money to buy hogs. Kill 10,000,000 of them and kill all the sows to keep them from bringing any more hogs, because the people have not any money with which to buy."

Starving, hungry, naked, the poor devils of this country came to the wise men in Congress saying, "We are hungry, we are naked, we are homeless, we have nothing with which to buy, we have nothing to eat", and a "dad-gummed" Congress passed a law to authorize the agents of the Government to go out and kill what few hogs there were in the country, and to pour the milk into the rivers, and to plow up the cotton because the people did not have the money with which to buy!

I said we began the enslavement of whites and blacks in the year 1932, and that was the beginning of the sanctioning by law of the institution of human slavery.

Where does this lead us? I want to say that if the Members of the Senate would stay here and listen to me we would correct these conditions. Here I am making this speech on these facts, about which the Members of the Senate do not know a thing—95 percent of them know nothing about them at all, because they have not listened to me. [Laughter.] Here I am with 14 Senators listening to one of the greatest speeches that has ever been made in this body. [Laughter.] I cannot get them to listen. Again, when we do get them to listen, half of them are like the Senator from Kentucky—they cannot understand the speech after they hear it. [Laughter.]

Mr. BARKLEY. Mr. President——

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

Mr. LONG. I yield.

Mr. BARKLEY. I am not responsible for the Senator's inability to make himself understood. [Laughter.]

Mr. LONG. Very well. I had that coming to me. I remember when I first tried to study music; they gave me a very poor grade.

Mr. BARKLEY. Did the Senator learn music?

Mr. LONG. Not much of it; a little.

Mr. BARKLEY. Will not the Senator sing a little? [Laughter.]

Mr. LONG. Mr. President, the Senator wants me to sing to him. There may be some people I will sing to, but they will be better looking than the Senator from Kentucky. [Laughter.]

Mr. BARKLEY. The Senator will never sing looking in the looking glass, then, if that be true.

Mr. LONG. I want to say one thing, Mr. President: I used to go to church, and there was a man up there leading the singing who favored the Senator from Kentucky, both in face and size, and how in the world that man could ever lead a singing class was beyond me. There must have been something that compelled them to sing.

Now let me get down to what I was talking about. This is really serious business. After having given the figures I was saying that 14 Senators were listening to me, only 14 out of 94; there are 80 absentees. Their place is here listening to me today. That is their duty. Where are they? They are scattered around all over this building and around this town attending to less important business.

The figures and the statistics I am giving are undisputed and indisputable; they cannot be controverted, they cannot be contradicted, they cannot be questioned, they cannot be assailed. The things I am presenting to the Congress of the United States no one will undertake to controvert. Had they been understood in this body we would long since have corrected the present conditions.

If the N. R. A. serves any good purpose at all—and I can conceive of none it can serve, topside or bottom, though there ought to be some good come out of it, and perhaps good will come out of it—if any good comes it will be perhaps that Senators may comprehend the figures and tables which I have been explaining to them in the few moments that I have been discussing these principles this afternoon.

I have covered the matter of food supply, and I have covered the debt structure. The Senator from Oklahoma said that the debts of the United States amount to $262,000,000,000. That means that every man, every woman, and every child owes $2,000.

How many of them have $2,000? According to the table of distribution of wealth which was compiled in an examination made by a New York newspaper the other day, there are very few people in the United States who have $2,000. There are hardly any who have $2,000. But there are few of them who do not owe $2,000, or more than $2,000.

The distribution of debt is unlike the distribution of wealth. Wealth is owned by a few at the top, but debts are owed by the masses at the bottom. The ownership of property is in the hands of a few families in this country, but the debts which have been loaded on to this country are on the backs of the masses.

Hundreds of millions of people come into this life with two or three thousand dollars as their share of the debt, and go out of life without ever paying a dime of it. The interest alone in this country is sufficient to kill the race.

The Senator from Oklahoma showed that last year the national income of the United States had fallen to $42,000,000,000. The interest on our debt and our taxes amount to $28,000,000,000. We had an income of $42,000,000,000, and 66⅔ went for taxes and interest alone. That left an income of $14,000,000,000, and according to the tabulation that was furnished, something like 95 percent of all the money that was saved was in a handful of families, and the masses of the people never saved a penny to pay on their debts. They went further into debt. In other words, of the income there is in this country year after year, more of it goes into the hands of the big men and less of it goes to the people.

This used to sound like demagoguery, but it is an admitted fact now. Everybody admits it to be an absolute fact. Year after year more and more of the wealth of this country goes into the hands of the big man and less goes into the hands of the little man.

According to the Government reports, 97 percent of the people of the United States do not make a dime to pay on their debts, but they go further and further and further into debt every year. Thirty percent of the people save a little. Of course, there was a slight savings to about half of the people, but it was too insignificant to count. You have let this $262,000,000,000 of debt fall on the backs of the people, and they owe it today.

The senior Senator from Oklahoma [Mr. THOMAS] showed that next year $262,000,000,000 of debt would not tell the whole story, because the bank deposits were not included as being debt, and some other things were not even listed as being debts. But on one side of the ledger in some instances only the debts of this country added up into the item of $262,000,000,000.

Now, every child that is born gets as a birthday present $2,000 of debts or $2,500 of debts, and that is all he gets. They do not own anything. The common masses in this country do not own a dad-gummed thing, and I mean what I say. They do not own enough to pay their debts. They do not own anything. The profits are in the hands of the financial masters and the debts are on the backs of the common people.

The Lord said you could not pay those debts. It is said by the Constitution that something had to be done about it, not in that exact language, but I am going to show in a moment that that was what was said in effect.

It has been said by every man who had anything to do with making this country, and by every man who had much to do with the making of any other country, that no country could survive which allowed its debt structure to continue. Now people are moping, wondering what to do, wondering how to do, wondering how to go, where to go, when to go; crying over the Constitution prohibiting this and the Constitution prohibiting something else—but there is one thing

the Constitution does not prohibit. It does not prohibit the redistribution of wealth. It does not prohibit the cancelation of debts.

There is one thing which Mr. Franklin Delano Roosevelt would not be restrained from doing and that Congress would not be restrained from doing. Congress can end this depression by 6 o'clock tomorrow morning. Congress, I state again, can end this depression by sunup tomorrow.

By sunup tomorrow morning I can draw the laws, without leaving the floor of the Senate, and wind up the depression by sunrise tomorrow. There will be no trouble to do it. They say they do not know how. They know how, these "muckety-mucks of the brain trust." What they have been trying to do is to try to keep from having to do it. They do not want to do it.

What laws would we have to draw? My friend from Kentucky heard me the other day, but he interrupted me so many times that what I said was more or less disconnected. What law would I draw? I can draw up a law now. I can draw the law without leaving the floor of the Senate. I can dictate the law to this stenographer, right here now without having to correct a word, which will wipe out the depression of the United States by sunrise tomorrow. I will dictate the law right now. [Laughter in the galleries.]

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled—

SECTION 1. That hereafter no one person in the United States of America shall be permitted to own more than 100 times the amount of wealth, property, and assets possessed by the average family of America.

SEC. 2. That every family of the United States, which is to include every head of every family and his dependents, shall be, and is hereby, guaranteed a homestead, to be possessed by such family and to include the things and quantities hereinafter enumerated, of a value not less than one-third the value of the average family wealth of the United States. That the homestead cannot be alienated or encumbered without the consent of the United States, according to regulations hereafter prescribed.

Let me explain what my first two sections of the law mean, and nobody need doubt it being constitutional.

No. 1 means that no man can have a wealth in America of more than 100 times the average. The average family wealth during the good normal times was $17,000 to the family, and 100 times that is enough for anybody. That would mean that the maximum fortune in the United States would be $1,700,000. That is section no. 1. That $1,700,000 would be the limit that any man could own in money, property, food, supplies, wearing apparel, or anything else. That no millionaire could own more than $1,700,000. I would compromise on making it twice that amount.

The second provision is that every family would be guaranteed a homestead. How much? One-third the average family wealth would be guaranteed to every family. Am I outside the Constitution? I will show Senators whether I am outside the Constitution or not.

I will read to them from the Declaration of Independence.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.

Remember that—that every American citizen has the unalienable right, the right which he cannot sell, the right which he cannot give away, the right which he cannot lose—that every American is born with the right of life and liberty and the pursuit of happiness.

Under our present arrangement the life and the liberty and the happiness belong to about 1 percent of the people. The pursuit belongs to about 99 percent.

That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government.

I wonder if Senators heard that. It is said that whenever any government fails to provide life and liberty and happiness to its people, that it is the right of the people to kick that government out and to pick out another one.

Is this Government giving life, liberty, and the pursuit of happiness to its people when it lets one man own more than 5,000,000 people own? Is this Government giving life, liberty, and happiness to its people when it lets one-tenth of 1 percent of its people own more than 99 percent of its people own? That is what the condition of the bank deposits indicates. The answer to that question is "no."

That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.

Mr. President, what did they mean when they said that every man was born equal? What did they mean when they said that every Government that we had must give life, liberty, and happiness to all the people? What did they mean? They meant just what they said, because they had before them the law which had been established before the Declaration of Independence was written—the Compact of the Pilgrims, which had been prescribed on the 1st day of July 1620, 156 years before they wrote the Declaration of Independence, lacking 3 days.

What did the Compact of the Pilgrims state?

It said that every 7 years they would cancel out every debt, and every 7 years they would redistribute wealth. That is what the Government was founded on. It was founded on the Declaration of Independence and the Constitution of the United States, carrying into effect the laws of the Pilgrims, which had been promulgated in this country in 1620, and when they wrote the Constitution of the United States, James Madison said that unless they redistribute wealth this Republic will not last. Daniel Webster said that unless they redistribute wealth this country cannot last. Samuel Adams said the same thing. Thomas Jefferson wrote it into the law. Abraham Lincoln said it. Andrew Jackson said it. Ralph Waldo Emerson said it. Theodore Roosevelt said it. And Franklin Delano Roosevelt said it, too.

When Franklin Delano Roosevelt came before the Chicago convention to accept the nomination, what did he say? He said, "We are going to redistribute wealth." He did not say that by himself. He said, "We are going to give the people a chance to share in the redistribution of wealth." He said, "Every man is expecting us to give him a share in the distribution of wealth." Oh, I know the skeptics have been running around over the country talking about the "share our wealth" program I have enunciated; but the word came from Mr. Franklin Delano Roosevelt at the Chicago convention, and that is the promise he made. Has it been kept? No. On the contrary, instead of doing it, the poor people owe more than they ever owed before, and they own less than they have ever owned; and instead of having the food that could be bought to feed them, it has been burned up and plowed under because they did not have any money to buy it.

Now we are supposed to knuckle our neck under that yoke and wear it, or we will not get any Federal patronage. "We will give the jobs to somebody else." So I am arguing the motion before us. We do not want to do that. We want to uphold the Constitution and the laws and vote for the welfare of our people. That is what we want to do.

That being the case, what do we do? We come back to the Constitution. What does our Constitution say, gentlemen of the jury—and this is a jury. What does it say, lady and gentlemen of the Senate? What does the Constitution say? It says we are not going to have legislative whims controlling us; that we are not going to be controlled by the whims or caprices of the President or anybody else. It says we are not going to have the functions of government put into the hands of irresponsible and unworthy people who cannot bear the light of day. It says that whenever we have a man appointed to office who is to handle important business the sovereign States shall have a right to have their ambassadors look into the portfolio and credentials of that gentleman to see if he is the kind of man to handle the business. That is what it says, and that is all it says. That is what it was intended to provide.

What do we say? We come along and say we would like to have the Constitution carried out. "Oh, no; nothing like that. That is not in the cards. That is not the kind

of business we have here. We have something else to talk about. Nothing of the kind. Oh, no! You have been here voting against these unconstitutional bills. You have been here trying to make us do what the Pilgrims said ought to be done. You have been here talking that old worn-out stuff about which Daniel Webster and James Madison and Andrew Jackson and Abraham Lincoln talked, and as long as you do that we are going to see to it that you do not have anything to say about who shall handle the important affairs of this Government. We are going further than that. We are going to take the people's money and send it down to Louisiana and spend it to try to corrupt your people to vote against you unless you will vote for these scandalous unconstitutional things we are trying to chuck down your throats."

That is what it means. It means an end of this Republic if the manhood in this body shall lie down at this time. Now is the time for the manhood of the United States Senate to stand up.

Mr. MINTON. Mr. President——

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

Mr. LONG. I yield for a question.

Mr. MINTON. With great deference to the Senator, may I suggest that he do not talk so loudly? A number of people around here are asleep.

Mr. LONG. I am sorry I awakened the Senator from Indiana. [Laughter.] We would have been better off if he had not waked up. The best thing the Senator from Indiana can do is to go back into the cloakroom and go right back to sleep. [Laughter.]

O Mr. President, I am reminded of a speech I read once when I was a boy. Victor Hugo wrote a speech which was supposed to have been delivered and which appeared in one of his great works of fiction. I think the book was entitled "By Order of the King." I believe it is sometimes called "The Laughing Man."

Mr. BARKLEY. Mr. President, was that the king or the kingfish?

Mr. LONG. That was the king. I am going to read from that speech. It is very appropos of this day and time and what is occurring here at this time. It is almost a duplicate situation. There are 22,000,000 people on starvation dole, certain that they will be taken off if they displease the bureaucrats. Twenty-two million of them are starving, countless families are without homes, children are born into this country and placed in the ground to be kept warm because they have not clothes for their body, starting life in the grave instead of starting it in the cradle.

There is laughter! There is mirth! Oh, it is hilarious business! It is almost like the coming of the second jubilee. It is almost a gathering for the chase. It is almost like a fox hunt. Yes, it is a laughable matter to discuss the misery and the poverty and the distraction of these people and to insist that they have a right to the benefits of the Constitution of the United States. It is almost laughable. It is a mirthful matter. It provokes no serious thought. On the contrary, the death rattle of the millions is heard out yonder.

There are more people who will starve to death or who will die from half or malnutrition as a result of the pestilences of the depression of the last 5 years than ever died from the Civil War or from the World War, or any other two wars we have ever had.

In a moment I shall read the speech which I have not read since I was a boy. It covers the present situation pretty well. It is very much like it and I shall refer to it when I get the book. I have sent for it. It is a book by Victor Hugo, "By Order of the King, or The Laughing Man." I shall read that speech to Members of the United States Senate. It is almost a duplication of what occurs and is occurring in America today. It discloses the mirthful manner and elegant ease and abandonment in which the situation is received by the ruling powers in charge of this Nation at the present day and time.

It will almost display the merrymaking on the *Nourmahal*, and many kindred matters relating to the functions of this day. I shall get to it in a moment. I shall come back to it. For the present I shall proceed as I was doing.

Foodstuffs, wearing apparel, America's division. I have dictated section 1 and section 2 of a law for Congress. I shall now dictate section 3. By section 1 and by section 2 I have provided that no one man may own more than 100 times the average; that no family shall be without a home and the necessary comforts of a home. That means that every child born in America shall know that there is a roof above his head. That means that every human being in America has the right to be sheltered. That means that none shall own too much, none shall own too little. That means the fulfillment of the law of the Lord. You will find in the Proverbs these verses:

> Two things have I required of thee; deny me them not before I die:
>
> Remove far from me vanity and lies; give me neither poverty nor riches; feed me with food convenient for me:
>
> Lest I be full, and deny thee, and say, Who is the Lord? or lest I be poor, and steal, and take the name of my God in vain.

So, therefore, having provided section 1 and section 2, I provide section 3. I want these wise legal scholars to listen to this—and we have some mighty wise ones here. As a matter of fact, Mr. President, when one enters this realm of wisdom and intellect, there is a sense of inferiority that is overpowering. The surroundings of wisdom are almost like a lethal chamber; but, none the less, I proceed in the presence of the learned scholars of law, literature, science, invention, and what not, to dictate section 3:

> That hereafter, whenever there shall be a surplus of agricultural commodities——

I pause there for just a minute. Is it not a horrible thing that someone should undertake to dictate in one little section of the law, almost in one sentence, a complete agricultural program? No; I do not have to do it, because the Lord provided the means and the method of doing it, and it has never failed a country that followed it.

> SEC. 3. That hereafter, whenever there shall be a surplus of agricultural commodities or of any particular commodities produced in the United States, such surplus shall be impounded and stored by the United States; and whenever the said surplus shall exceed the reasonable needs for the same over a period of 18 months, such authority as may be designated by Congress shall have the right and power to forbid the raising or planting of the same during the calendar year.

Mr. President, that is providing for something that has never yet happened in America. That is not providing to plow up anything. That is providing that if we have an agricultural surplus we shall store it, and that if we get enough of a particular crop so that we do not need any of it for the next 18 months we shall then use our surplus, and do something else in the meantime for a living.

We never yet have had a surplus. Did you know that the United States never yet has had a surplus of anything? I will tell you that it has not. You think we have a surplus of cotton, but we have not any such thing. If every window that needs a shade in it had a shade, if every floor that needs a rug had the rug, if every bed that needs a bed sheet had the bed sheet, and every pillow a pillow slip, and everyone had the necessary clothing, if the United States were to start out tomorrow and say that it was going to put on the backs of the people the clothes that they reasonably need to wear, and it was going to put in the houses the beds and bed sheets and rugs and pillows and curtains that the houses need, we should not have a surplus of cotton. We should lack 10 million bales of having enough cotton to supply the country what it needed as a result of lack of purchasing power in the past 5 years. We have not enough cotton, but we have not any money in the hands of the people with which to buy the cotton. That is the only trouble. There probably never will be an agricultural surplus if the people of the country have the money with which to buy. The Lord speed the day when there will be. Let the time come when there will be. Then our country will not be a savage-like race of people, but it will impound whatever surplus it has, and lay it up for the years to come.

Suppose we had a pestilence. We have had them. No cotton could be raised. Suppose we had a scourge. No wheat could be raised, no wool could be sheared, no corn could be grown. If we had such a disaster as that, where would be our supply for the next year? Suppose we had an invading army. Suppose we had another war, and wished to send every man to the front. Would not this country be a hundred times better off if it had stored up in advance an adequate supply of food for itself and its allies during that day of disaster? A wise country would store up much more surplus than we have ever claimed to have; but, as a matter of fact, we not only have claimed something we did not have, but we have had an actual shortage.

Mr. President, I have sent for a book. It has not yet arrived. I wish to complete my remarks in connection with dictating the balance of this law. I have now covered the distribution of wealth. I have now covered the homestead. I have now covered the problem of agriculture. What else would I provide in this law? I would provide as follows:

SEC. 4. That the Government of the United States will provide, from funds to be raised by the laws of Congress, a sufficient sum that it may pay to all persons who have reached 60 years of age a sum amounting to —— dollars per month.

SEC. 5. That the adjusted-service certificates held by the veterans of the World War shall be immediately paid at their full face value, and that any and all interest which may have been paid on the same shall be remitted by the Treasury of the United States.

SEC. 6. That the laws of the United States relating to the coinage of money and the value thereof prior to the year 1873 and particularly affecting the value and coinage of silver shall be and the same are by accompanying legislation reenacted in full.

SEC. 7. That where any State, in order to carry out accompanying legislation of Congress, shall provide for the shortening of hours of labor, the elimination of child labor, and the banning of the production of any crops, the Federal Treasury, in accordance with accompanying legislation, shall furnish funds to such State or States as may be necessary to reasonably effectuate the changes required thereby.

There are two details there, Mr. President. We would have to reenact the whole law of 1873. I do not set that out in full. In order that we might effectuate the elimination of child labor and shorten the hours of work by laws of a State it would only be necessary that the Congress of the United States withhold appropriations from the States failing to make such changes.

SEC. 8. There shall be appropriated by the Congress of the United States such sums of money as shall be sufficient to enable all States to furnish education and training, both professional and vocational, to the children and youths of the United States, equally and without distinction, including courses in grammar and high schools and colleges.

There is the law. We would not have to change it much. There is a law giving an adequate supply of money as far as the metal can do it.

I forgot one section.

SEC. 9. That every law that has been enacted by the Hoover and Roosevelt administrations be and the same are hereby repealed in toto.

[Laughter.]

Mr. SCHALL. Mr. President——

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

Mr. LONG. I yield.

Mr. SCHALL. Does not the Senator think the idea of two chickens in every pot would be better than one blue duck in every window? [Laughter.]

Mr. LONG. I do not know about that. It is hard to say. We never could get Mr. Roosevelt to take as his god anybody but Hoover. I do not know why that was. Somehow or other he had it in his mind that he had to go the Hoover route.

Hoover said, "I want the people to plow up every fourth row of cotton", and we laughed at him. Roosevelt said, "I want the people to plow up every third row of cotton", and we did it. The only difference between Hoover and Roosevelt was that we plowed up one-twelfth more under Roosevelt than Hoover ever proposed.

It is true that Hoover said, "Two chickens in every pot." But Roosevelt said, "A blue buzzard in every front window." [Laughter.]

It is impossible to get away from it; they thought along same lines. That has been our trouble; they were too much alike.

Talk about a campaign coming on in this country with Roosevelt on the Democratic ticket and Hoover on the Republican ticket! I wish to warn these two old parties. You are saying that you either have to have Republicans or Democrats elect anybody President? Let the Democrats nominate Roosevelt and the Republicans nominate Hoover, and we will beat them both put together so dad-gummed bad you will not know that either one of them was running. Just try it, and see if we will not.

Do not get the impression that we will not have the mechanism. Do not think we will not have the mechanism for a party in other States. Just wait and see. We have it now. We can show the mechanism tomorrow morning if necessary. It used to be thought we could not beat the New Orleans ring, that we did not have the mechanism. Go down and ask now if we have not a pretty good mechanism against the New Orleans ring. Do not worry about the mechanism. No system was ever devised that was so perfect that someone else could not improve on it, and if they go out with Roosevelt and Hoover, tweedledum and tweedledee, you will see what is going to happen to them.

I will support anybody for President of the United States who will give the people what Hoover promised to them or what Roosevelt promised to them. Their platforms were all right, their promises were perfect, but their performances remind me of what the Lord said:

Thou shalt not do after their works.

Oh, they make a lot of fancy promises. If either Hoover or Roosevelt kept his word we would have been all right. The trouble was that we could not get either one of them to do what he said he would do.

Mr. Roosevelt wound up by saying the same thing Hoover said. Hoover himself said at Madison Square Garden that America's only system was to take the wealth out of the hands of the few and distribute it into the hands of all. He said that himself, along with his statement about two chickens in every pot and an automobile in every back yard. Roosevelt has said it too. They were party candidates.

A while back my friend the Senator from Nebraska [Mr. NORRIS], came to me one day and said to me, "You have a Representative in the House from Louisiana who is on the Committee on Military Affairs, and he is holding up my Tennessee Valley bill, will not let the bill come up."

I said, "Is that so?" I had noticed the Senator from Nebraska frowning at me for several days. He had not looked exactly right, and I did not know what was the matter with him. Finally he came out with it and said, "One of these Representatives of yours from Louisiana is a member of the Committee on Military Affairs, and he will not let them report out the T. V. A. bill."

I said, "All right."

I sent for that Representative, because I had elected him twice down there, or three times. [Laughter.] I say I had elected him; I was the only one who thought he ought to be elected, and they all voted for him thinking it would do me some good. I brought him in here, and I had him go over to the Senator from Nebraska, and I said, "What is it you want this man to do? Now you just tell him what you want him to do and he is going to do it, because we all down there want this T. V. A. bill."

His people want the Norris bill, and they have confidence in Senator NORRIS, and if he does not do it he will have to answer to the people, and I know what the people will say.

So he went over and saw the Senator from Nebraska, and the Senator from Nebraska told him he wanted the bill out, and he went back and the next day they brought the bill out right off the bat. They put the bill over here and the Senator from Nebraska amended it as he wanted to, and sent it back—the Norris bill 100 percent.

Since that time the Congressman has quit the Long faction. He is no longer with them. He has been converted. He found out he was wrong all the time. I wish we had found out a little bit sooner ourselves so far as that is concerned; we would have had more and suffered less.

Now they have got the Senator's bill over there. The Representative has gone over to the Roosevelt administration. No more Longism for him. He is a thoroughbred Roosevelt man, dyed in the wool, dispensing patronage and promising jobs.

The Senator from Nebraska has got his T. V. A. bill over there in that same committee again, and that same Representative, who, when I had him operating with me, had to go get it out, has got it tied up again.

The Senator from Nebraska is perfectly complacent. He says the administration wants his bill. I know he saw what I could do with that man when he was working with me. He ought to know what the administration can do with him. If he will use the administration as he used me he will get that T. V. A. bill out of there. Call their hand sometime and see what they do. They can make this Congressman do whatever they want him to do. So they will probably hold up that T. V. A. bill. I do not think it is going to come out of committee. They are going to hold it up. However, I want to tell the Senate that they can bring that T. V. A. bill out of committee if they want to, and they ought to be smoked out.

The senior Senator from Alabama heard me talk about that Representative last year when he was supposed to be holding up that bill. He knows that I spoke to him very gently and got the bill out for the Senator from Nebraska.

I do not wish the Senator from Nebraska to fail to get that gentleman to act again, and I want him to know who owns him this time so he will understand who to go to and break the deadlock over there. The Senator from Nebraska can break the deadlock this time just as I broke it last time. I hope he does it in time.

I said history repeats itself. I am going to read from this book a speech delivered many, many years ago by a great fiction writer, but none the less it is a remarkable speech. He tells a story. To those Members of the Senate who have not read it or who do not recollect it, I will say what the story is. It purports to be the story of a waif suddenly discovered to be a peer. This waif was the son of a peer in the bad graces of the king. The king was desirous that this offspring of the peer, who was the king's enemy, would never be seen again, so he provided to have his countenance disfigured and he was exiled into a foreign land. However, following the death of the king the waif was discovered and he was brought back and given his title as a peer in the British House of Lords. In this book we find the speech which he made, and the occasion under which he made it is stated.

[At this point Mr. LONG yielded to Mr. THOMAS of Oklahoma to suggest the absence of a quorum, and, after debate, the roll was called.]

Mr. LONG. Mr. President, I am not anxious to proceed too long. If we can get a unanimous-consent agreement to vote by noon tomorrow on the motion I have made I shall have no objection to voting at that time, or at 12:30 if some other Senator wishes to speak.

Mr. HARRISON. Mr. President, if we could have an agreement that we shall vote tomorrow at 12:30 upon the motion to reconsider, and immediately thereafter vote upon the pending amendment, if the motion to reconsider should be carried, and then limit debate so that no Senator shall speak more than once nor longer than 10 minutes, I should not object so far as I am concerned. I should not like to have the Senate recess now, and tomorrow be delayed by another speech of similar duration. If that suggestion should meet the approval of the Senate, I should ask unanimous consent that we vote upon the motion to reconsider at 12:30 p. m. tomorrow——

Mr. BLACK. Mr. President, before the Senator submits that request I desire to say that I hope he will not ask for any such agreement. I believe it is the will of the Senate to proceed now and let the Senator from Louisiana continue his speech and complete it, even though it takes until Sunday. I sincerely hope the Senator will not ask for any such agreement.

Mr. HARRISON. Very well. I shall not ask for the agreement.

The VICE PRESIDENT. The Senator from Louisiana has the floor.

Mr. LONG. Very well, Mr. President. The Senator from Alabama [Mr. BLACK] has been listening to most of my speech, and I commend his attitude to other Members of this body for favorable consideration. I am satisfied that he will join with me in a request that all Members of this body remain here and listen to me throughout the balance of my speech.

I am about to read from the speech which appears in this book, written by one of the world's great authors. I thought during the call of the quorum I should have a more easy means of locating the exact place, but I was not able to do so. I am going to read from it the best I can.

Mr. THOMAS of Oklahoma. Mr. President——

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

Mr. LONG. Yes; I yield.

Mr. THOMAS of Oklahoma. A while ago the Senator from Louisiana dictated into the RECORD the text of a bill containing as I remember, about eight sections. The bill, so the Senator from Louisiana stated, would cure the depression between now and 6 o'clock tomorrow morning. I suggest to the Senator from Louisiana the advisability of asking unanimous consent to give this bill the current number, consider it as having been introduced, and then ask for its immediate consideration.

Mr. LONG. I should be glad to make the request that this bill, as I dictated it into the RECORD—eight sections, I believe—be considered as having been introduced, that it be printed and lie on the table, and that the Senate proceed to its immediate consideration.

Mr. HARRISON. Mr. President, I should, of course, object; and I desire to ask, Mr. President, is not that business that has now been transacted?

The VICE PRESIDENT. The Senator asked unanimous consent.

Mr. HARRISON. And I objected.

The VICE PRESIDENT. The Senator objected to the consideration of the bill. The Chair had not yet put the question. The Senator from Mississippi objected before the Chair could put the unanimous-consent request of the Senator from Louisiana; but undoubtedly it would be business.

Mr. HARRISON. Does the Senator make the request?

Mr. LONG. Do I understand from the ruling of the Chair that that would be the conclusion of my speech, being the transaction of business?

The VICE PRESIDENT. Not at all. The Senator has the floor.

Mr. LONG. In other words, it would not be construed by the Chair that that would result in concluding any speech?

The VICE PRESIDENT. It would conclude one speech. The Senator could start on a new one. It would be the transaction of business.

Mr. LONG. I would lose the floor, though. Then, for the moment I will defer making my unanimous-consent request, and at a later time I will ask the Official Reporter to make a note of it.

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

Mr. LONG. I yield.

Mr. BARKLEY. Do I understand that the Senator from Louisiana thinks more of his speech than he does of recovery? [Laughter.]

Mr. LONG. I think more of informing the Senators who are here until they are converted. I think that will help the trouble the country is in. We are going to have to cure the minds of some Senators, and then we shall have recovery.

Mr. President, without losing the floor—and I include in the unanimous-consent request a request that I shall not

lose the floor—I desire to ask that every Senator be made to stay here and listen to me, unless he has himself excused.

Several Senators rose.

Mr. McKELLAR. I object.

The VICE PRESIDENT. Let there be order in the Senate.

In the first place, the Senator from Louisiana could not make that conditional unanimous-consent request. In the second place, in the opinion of the present occupant of the chair, that would be unusual cruelty under the Bill of Rights. [Laughter.]

Mr. CLARK. Mr. President, that would be unconstitutional.

Mr. LONG. I sit here and listen to most of the Senators, and if I can stand them they can stand me. The Senator from Missouri suggested, however, that that would be unconstitutional.

Mr. CLARK. As being cruel and unusual punishment. I will say to the Senator that the Vice President took the words out of my mouth.

Mr. LONG. All right.

Now, let us see what I was going to read. They brought a bill into the House of Parliament. Here was the House of Parliament, according to the story from which I am going to read. They brought a bill in there, and the bill was, as I recollect—I will read the exact words in a moment—to make some additional appropriation for the comfort and welfare of the King, or some bureaucrat of the King. They voted in those days by saying "content" or "not content", to signify the yeas and nays.

Now let us see what this is. I begin to read on page 244.

Mr. CLARK. Of what edition?

Mr. LONG. The de luxe edition.

The doors having been closed again, the Usher of the Black Rod reentered.

This is talking about the Parliament—

The lords commissioners left the Bench of State, took their places at the top of the dukes' benches, by right of their commission, and the Lord Chancellor addressed the House:

"My lords, the House having deliberated for several days on the bill which proposes to augment by 100,000 pounds sterling the annual provision for his Royal Highness the Prince, Her Majesty's Consort"—

This was about a third of the amount the *Nourmahal* would require for one cruise down to the Bahamas.

"and the debate having been exhausted and closed, the House will proceed to vote; the votes will be taken, according to custom, beginning with the puisne baron. Each lord, on his name being called, will rise and answer 'content' or 'noncontent' and will be at liberty to explain the motives of his vote, if he thinks fit to do so. Clerk, take the vote."

The Clerk of the House, standing up, opened a large folio, and spread it upon a gilded desk. This book was the list of the peerage.

The puisne of the House of Lords at that time was John Hervey, created baron and peer in 1703, from whom is descended the Marquis of Bristol.

The Clerk called—

"My Lord John, Baron Hervey."

An old man in a fair wig rose, and said, "Content."

In other words, "I will vote for the £100,000 sterling annual provision for His Royal Highness the Prince, Her Majesty's Consort.

All right.

Then he sat down.

The clerk registered his vote.

The clerk continued:

"My Lord Francis Seymour, Baron Conway, of Killultagh."

"Content," murmured, half rising, an elegant young man with a face like a page, who little thought that he was to be ancestor to the Marquises of Hertford.

"My Lord John Leveson, Baron Gower," continued the clerk.

This baron, from whom were to spring the Dukes of Sutherland, rose, and, as he reseated himself, said, "Content."

The clerk went on:

"My Lord Heneage Finch, Baron Guernsey."

The ancestor of the Earls of Aylesford, neither older nor less elegant than the ancestor of the Marquises of Hertford, justified his device, "Aperto vivere voto", by the proud tone in which he exclaimed, "Content."

While he was resuming his seat, the clerk called the fifth baron:

"My Lord John, Baron Granville."

Rising and resuming his seat quickly, "Content," exclaimed Lord Granville of Potheridge, whose peerage was to become extinct in 1709.

The clerk passed to the sixth:

"My Lord Charles Montague, Baron Halifax."

"Content," said Lord Halifax, the bearer of a title which had become extinct in the Saville family and was destined to become extinct again in that of Montague. Montague is distinct from Montagu and Montacute. And Lord Halifax added: "Prince George has an allowance as Her Majesty's Consort; he has another as Prince of Denmark, another as Duke of Cumberland, another as Lord High Admiral of England and Ireland; but he has not one as commander in chief. This is an injustice and a wrong which must be set right in the interest of the English people."

In other words, Barbara Hutton has a fortune as the Princess Mdivani, but none as the Countess of Denmark—the same thing, only of course, not the same portion. This is chicken money compared to what we do in this country right now.

Then Lord Halifax passed an eulogium on the Christian religion, abused popery, and voted the subsidy.

Lord Halifax sat down, and the clerk resumed—

"My Lord Christopher, Baron Barnard."

Lord Barnard, from whom were to descend the Dukes of Cleveland, rose to answer to his name: "Content."

He took some time in reseating himself, for he wore a lace band which was worth showing. For all that, Lord Barnard was a worthy gentleman and a brave officer.

While Lord Barnard was resuming his seat, the clerk, who read by routine, hesitated for an instant; he readjusted his spectacles, and leaned over the register with renewed attention; then, lifting up his head, he said.

Now is when he came to the name of this waif, discovered to be a peer.

"My Lord Fermain Clancharlie, Baron Clancharlie, and Hunkerville."

Gwynplaine arose.

"Not content," said he.

Mr. GORE. Mr. President——

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

Mr. LONG. I yield.

Mr. GORE. I rise to ask the Senator a question. Is he about to read the speech to which he referred?

Mr. LONG. I am about to read it.

Mr. GORE. I am afraid that those Senators who are not here would not know what the Senator was reading at this point. I therefore make the point of no quorum.

Mr. CLARK. Mr. President, I make a point of order that no business has been transacted since the last quorum call.

The PRESIDING OFFICER. The Chair is of the opinion that no business has been transacted since the last quorum call.

Mr. GORE. I appeal from the decision of the Chair.

The PRESIDING OFFICER. The question is, Shall the opinion of the Chair stand as the judgment of the Senate?

Mr. GORE. I ask for a division.

On a division, the decision of the Chair was sustained.

Mr. LONG. Mr. President, may I inquire what the count was?

The PRESIDING OFFICER. The Senator from Louisiana observed the vote, and I do not think he can have any doubt as to the result.

Mr. LONG. I think the vote was correctly canvassed by the Chair, but I just wanted to know what the vote was so that I could see whether we were gaining or losing. [Laughter.]

The PRESIDING OFFICER. There were no adverse votes.

Mr. LONG. My vote and the vote of the Senator from Oklahoma [Mr. GORE] were adverse.

The PRESIDING OFFICER. The Senators had already voted affirmatively.

Mr. LONG. Very well. Now I come to the point. Said this waif, discovered to be a peer:

"My Lord Fermain Clancharlie, Baron Clancharlie, and Hunkerville."

Gwynplaine arose.

"Not content," said he.

Every face was turned toward him. Gwynplaine remained standing. The candelabra placed on each side of the throne lighted up his features, bringing them out into the same bold relief against the darkness of the chamber that a mask would show against a background of dense smoke.

Gwynplaine had made that effort over himself which, it may be remembered, was possible to him in extremity.

* * * * * * *

"Who is this man?" exclaimed everybody.

Those bristling masses of hair; those dark hollows under the brows; the deep gaze of eyes which they could not see; that head, in wild outlines of which light and darkness so weirdly mingled—were marvelous indeed. It was beyond all understanding.

* * * * * * *

An old man, respected by the whole house, who had seen many men and many things, and who was destined for a dukedom—Thomas, Earl of Wharton—rose in terror.

Mind you, to this one waif peer who yelled "not content" against an additional hundred thousand dollars being given to the queen's consort for his pleasure and abandon.

"What does this mean?" he cried. "Who brought this man into the House? Let him be put out."

Then addressing Gwynplaine, haughtily:

"Who are you? Whence do you come?"

Gwynplaine answered:

"Out of the depths."

And folding his arms, he looked at the lords.

"Who am I? I am wretchedness. My lords, I have a word to say to you."

* * * * * * *

"My lords, you are highly placed," Gwynplaine continued. "It is well."

This is the speech:

We must believe that God has his reasons that it should be so. You have power, opulence, pleasure, the sun ever shining in your zenith, authority unbounded, enjoyment without a sting, and a total forgetfulness of others. So be it. But there is something below you—above you, may be. My lords, I bring you news—news of the existence of mankind.

Assemblies are like children. A strange occurrence is like a jack-in-the-box to them. It frightens them; but they like it. It is as if a spring were touched and the devil jumps up. Mirabeau, who was also deformed, was a case in point in France.

* * * * * * *

All around Gwynplaine arose cries of "Hear! Hear!"

He resumed:

"I am one who has come up out of the depths. My lords, you are rich and powerful. Therein lies your danger. You profit by the night; but beware, the dawn is all-powerful. You cannot prevail over that. It is coming. Nay, it is already come. Within it is the day-spring of irresistible light. And who shall hinder that sling from hurling the sun into the sky? The sun I speak of is Right. You are privileged. Tremble! The real master of the house is about to knock at the door. What is the father of Privilege? Chance. What is his sun? Abuse. Neither chance nor abuse are abiding. For both, a dark morrow is at hand! I am come to warn you. I am come to impeach your happiness. It is fashioned out of the misery of your neighbour."

This speech might well have been made in the United States Senate in the month of June 1935.

I am come to impeach your happiness. It is fashioned out of the misery of your neighbour. You have everything, and that everything is composed of the little of others. My lords, I am an advocate without hope, pleading a cause that is lost; but that cause God will gain on appeal. As for me, I am but a voice. Mankind is a mouth, of which I am the cry. You shall hear me! I am about to open before you, peers of England, the great assize of the people—of that sovereign who is the subject; of that criminal who is the judge.

I am weighed down by the burden of all I have to say. Where am I to begin? I know not. I have gathered together, in the vast diffusion of suffering, my innumerable and scattered pleas. What am I to do with them now? They overwhelm me, and I must cast them before you in a confused mass. Did I foresee this? No. You are astonished. So I am. Yesterday I was a strolling player. Today I am a peer. Mysterious ruling! Of whom? Of the great unknown. Let us all tremble. My lords, all the blue sky is for you. Of this immense universe you see only the sunshine. Believe me, it has its shadows. Among you I am called Lord Fermain Clancharlie; but my true name is one of poverty—Gwynplaine. I am a wretched thing carved out of the stuff of which the great are made, for such was the pleasure of a king. That is my history. Many among you knew my father. I knew him not. His connection with you was his noble descent; his outlawry is the bond between him and me. What God willed was well. I was cast into the abyss. For what end? To search its depths. I am a diver, and I have brought back the pearl of truth. I speak, because I know. You shall hear me, my lords. I have seen, I have felt! Suffering is not a mere word, ye happy ones! I grew up in poverty; winter has frozen me; I have known hunger; I have suffered contempt; I have undergone pestilence; I have drunk of shame. And I will vomit all these up before you, and this ejection of misery shall sully your feet and flame about them. I hesitated before I allowed myself to be brought to the place where I now stand, because I owed duties to others elsewhere, and my heart is not here. What passed within me has nothing to do with you. When the man whom you call Usher of the Black Rod came to seek me by order of the woman whom you call the queen, the idea struck me for a moment that I would refuse to come. But it seemed to me that the hidden hand of God pressed me to the spot, and I obeyed. I felt that I must come among you. Why? Because of my rags of yesterday. It is to raise my voice among those who have eaten their fill that God reared me with the famished. Oh, have pity! Of this fatal world to which you believe yourselves to belong, you know nothing. Place it so high, you are out of it. But I will tell you what it is; I have had experience enough. I come from beneath the pressure of your feet. I can tell you your weight. Oh, you who are masters, do you know what you are? Do you realize what you are doing? No. Oh, it is dreadful!

Now I skip.

The laughter of kings is like the laughter of the gods. There is always a cruel sting in it. The lords set to play. Sneers gave sting to their laughter. They clapped their hands around the speaker and insulted him. A volley of gay exclamations assailed him like bright but wounding hailstones.

"Bravo, Gwynplaine!" "Bravo, Laughing Man!" "Bravo, Snout of the Green Box!" "Mask of Tarrinzeau Field!" "You are going to give us a peformance!" "That's right; talk away!" "There's a funny fellow!" "How the beast does laugh, to be sure!"

This fellow who says that the greatness of the few is the misery of the many!

"Good day, pantaloon!" "How d'ye do, my Lord Clown!" "Go on with our speech!" "That fellow a peer of England!" "Go on!" "No, no!" "Yes, yes!"

The Lord Chancellor was much disturbed.

A deaf peer, James Butler, Duke of Ormond, placing his hand to his ear like an ear trumpet, asked Charles Beauclerk, Duke of St. Albans:

"How has he voted?"

"Not content."

"By heavens!" said Ormond, "I can understand that, with such a face as his!"

I skip a little—

He looked for a moment at these men who were laughing at him. Then he cried:

"So, you insult misery! Silence, peers of England! Judges, listen to my pleading! Oh, I conjure you, have pity. Pity for whom? Pity for yourselves. Who is in danger? Yourselves! Do you not see that you are in a balance, and that your power is in one scale and your responsibility in the other? It is God who is weighing you. Oh, do not laugh. Think. The trembling of your consciences is the oscillation of the balance in which God is weighing your actions. You are not wicked; you are like other men, neither better nor worse. You believe yourselves to be gods, but be ill tomorrow and see your divinity shivering in fever! We are worth one as much as the other. I address myself to honest men; there are such here. I address myself to lofty intellects; there are such here. I address myself to generous souls; there are such here. You are fathers, sons, and brothers, therefore your hearts are often touched. He among you who has this morning watched the waking of his little child is a good man. All hearts are alike. Humanity is nothing but a heart. Between those who oppress and those who are oppressed there is only a difference of rank. Your feet tread on the heads of men. The fault is not yours; it is that of the social Babel. The building is faulty and out of the perpendicular. One floor bears down the other. Listen and I will tell you what to do. Oh, as you are powerful, be brotherly. As you are great, be tender. If you only knew what I have seen! Alas! What gloom there is beneath you! The people are in a dungeon. How many are condemned who are innocent! No daylight, no air, no virtue! They are without hope; and yet—there is the danger—they expect something. Realize all this misery. There are beings who live in death. There are little girls who at 12 begin by prostitution and who end in old age at 20.

We have almost that condition in America today.

As to the severities of the criminal code, they are fearful. I speak somewhat at random and cannot choose my words. I say everything that comes into my head. No later than yesterday, I, who stand here, saw a man lying in chains, naked, with stones piled on his chest, expire in torture. Do you know of these things? No. If you knew what goes on, you would not dare to be happy. Who of you have been to Newcastle-upon-Tyne? There, in the mines, are men who chew coals to fill their stomach and cheat hunger. Look here! In Lancashire, Ribblechester has sunk, by poverty, from a town to a village. I do not see that Prince George of Denmark requires a hundred thousand pounds extra. I should prefer receiving a poor sick man into the hospital without compelling him to pay his funeral expenses in advance.

That, Mr. President, is something which, outside of Louisiana, obtains in the United States. There is only one place in the United States today where a man can go into a hospital to be treated for his last illness without having the money to guarantee the funeral, and that is in the State of Louisiana. There is only one place where a man can be treated when he is sick and hungry and has not a place to go

to, and that is in Louisiana. We have what is known as our "public hospital system" down there which guarantees in some fashion or another treatment to a man in such illness.

In Caërnarvon and at Strathmore, as well as at Strathbickan, the sufferings of the poor are horrible. At Strafford they cannot drain the marsh for want of money. The manufactories are shut up all over Lancashire.

Manufacturers have their places shut up today all over Massachusetts. And there is still the call for ship subsidies in order that there may be more rides on the *Nourmahal*. I continue:

There is enforced idleness everywhere. Do you know that the herring fishers in Harlech eat grass when the fishery fails?

I have seen them cutting grass to eat. We have seen people starving to death in this country. Only yesterday I saw a poor colored man in the city of Washington seeking in the garbage cans for something to eat.

Do you know that in Burton-Lazars there are still lepers confined, on whom they fire if they leave their tan houses? In Ailesbury, a town of which one of you is lord, destitution is chronic. At Penkridge, in Coventry, where you have just endowed a cathedral and enriched a bishop, there are no beds in the cabins, and they dig holes in the earth in which to put the little children to sleep, so that instead of beginning life in the cradle they begin it in the grave. I have seen these things. My lords, do you know who pays the taxes you assess?

I ask Senators whether they know who is going to pay back this $5,000,000,000 which is going to be spent, of which 90 percent will be thrown away? That will be spent by those outside of this Chamber; it will be spent by the bureaucrats.

My lords, do you know who pays the taxes you assess?

What is the answer?—

The dying!

So it is in America today. It is the dying who pay the costs of this riotous performance. The dying! They are dying, according to the statistics of the United States Department of Agriculture, because they are not today receiving one-half of what is required as a necessary diet for subsistence. It is upon them today that the entire weight of taxation and the entire weight of debts, public and private, is resting.

My lords, do you know who pays the taxes you assess? The dying! Alas! You deceive yourselves. You are going the wrong road. You augment the poverty of the poor to increase the riches of the rich. You should do the reverse. What! Take from the worker to give to the idle; take from the tattered to give to the well-clad; take from the beggar to give to the prince! Oh, yes; I have old republican blood in my veins. I have a horror of these things. How I execrate kings! And how shameless are the women.

Here I skip a part of it.

Of what good is a king? You cultivate that parasite, royalty; you make a serpent of that worm, a dragon of that insect. Oh, pity the poor! You increase the weight of the taxes for the profit of the throne. Look to the laws which you decree. Take heed of the suffering swarms which you crush. Cast your eyes down. Look at what is beneath your feet. Oh ye great, there are the little. Have pity! Yes, have pity on yourselves; for the Nation is in agony, and when the lower part of the trunk dies, the upper part dies too. Death spares no limb. When night comes no one can keep his corner of daylight. Are you selfish? Then save others. The destruction of the vessel cannot be a matter of indifference to any passenger. There can be no wreck for some that is not wreck for all. Oh, believe me, the abyss is yawning for all!

I shall not read much further on the subject. After considerable laughter, which the author notes in his story, he proceeds:

Suddenly, his voice rang out in strident bursts.

"How gay these men are! Be it so. Here is irony face to face with agony; a sneer mocking the death rattle. They are all-powerful. Perhaps so. We shall see. Behold! I am one of them; but I am also one of you, oh ye fools. A king sold me. A poor man sheltered me. Who mutilated me? A prince. Who healed and nourished me? A pauper. I am Lord Clancharlie; but I am still Gwynplaine. I take my place among the great; but I belong to the mean. I am among those who rejoice; but I belong to those who suffer. Oh, the whole system of society is false. Some day that which is true will come."

And it did. It came when the Pilgrims landed at Plymouth July 1, 1620, and there and then proclaimed that society should not take from the poor to augment the riches of the rich, but that every seventh year there should be a redistribution and none would be allowed to repress the other. That came true, and then became false with the succeeding year.

Some day that which is true will come. There will be no more lords.

And there were no more. There were no more lords, as was prophesied by this great writer. When the Pilgrims landed and when the Declaration of Independence became the law there were no more lords; but now we have not only made them lords but we have made them overpowering rulers. Their names stand out in letters of power and might and privilege and luxury far more, Mr. President, than had they the prefix of duke or earl or lord or king.

The names of Rockefeller or Morgan or Astor or Vanderbilt or Du Pont stand out in letters—and I include also such as the Mellons. They need no prefix of duke or lord or earl or prince or king. They are common, they are vulgar by reason of their numbers—the earls, the dukes, the princes, concerning whom this complaint was made. But we can number on a few fingers the names of those whose designation means might, power, rulership, all, wealth, abundance, government, and whatsoever it takes of the blood, the marrow, the sinew, the bone, the misery, the pestilence, the starvation, the hunger, and the curses of the many and the masses which go up night by night, though they, overpowered as they are, are still powerful, more powerful in America than the dukes and the lords, the earls, the princes, and the kings in the time when this fiction writer gave us this book.

Such is the future. No more prostration; no more baseness; no more ignorance; no more human beasts of burden; no more courtiers; no more toadies.

Oh, the curse of this country is the toady, the toadies, those who smile into the faces of the mighty and pampered and follow after the ruler, and, regardless of right or wrong, good or bad, lift up their eyes in holy exclamation to those who bear the mace of might and rulership over a country. The toadies! No more toadies! Think of such promises given and fulfilled by our French and English forefathers and then destroyed by ourselves in undertaking to cater to false gods.

No more prostration; no more baseness; no more ignorance; no more human beasts of burden; no more courtiers; no more toadies; no more kings; but light.

Light that makes the man with eyes see what is before him, that makes the man with ears hear what is said to him. No more toadies or prostrations, but light.

In the meantime, see me here. I have a right, and I will use it. Is it a right? No, if I use it for myself; yes, if I use it for the benefit of all. I will be heard, my lords, being one of you. Oh, my brothers below, I will tell them of your nakedness. I will rise up with a bundle of the people's rags in my hand. I will remind the masters of the misery of the slaves, and these favored and arrogant ones shall no longer be able to escape the remembrance of the wretched, nor the princes the suffering of the poor; and so much the worse, if it be the bite of vermin; and so much the better if it arouse the lions from their slumber.

Mr. President, I have read these lines. They are almost prophetic. Hugo, a great writer, evidently picturing conditions as he learned them from history to have existed long before his birth, prophesied as of that previous day the reforms which he had observed to occur on this shore. Hugo was once an exile. He, as no other writer of that day and time, could understand the conditions that existed. So I have sent up to the desk a request that the remarks which I read may be literally copied, and, I hope, perused by Senators before they proceed too far in consuming time and expending funds needed by the people at this time.

Mr. President, I am not going to take advantage of time. I am not one to hasten along events. I am not one to implore people to listen to me. I am giving the Senators here all that I know. It may not be very much, but I am giving Senators everything I know. That is all I can do. I can give them such advice as I am capable of giving, and no more.

Mr. President, the Senate is almost empty. It is a very late hour. I do not mind going on for a good while. I enjoy this work, and I do not mind continuing for a long time tonight. I enjoy discussing this subject as long as I can get anyone to listen to me, and if it is desired to have a vote tomorrow at any time the Senator from Mississippi changes his mind about it I would be glad to yield for a question, or I will be glad to yield for unanimous consent to vote at any hour tomorrow which may be desired on the particular question now pending before the Senate.

I intend to propose some amendments to the rules of the Senate. I am going to propose—and I want Senators to think it over—that Senators either be made to stay here or that the Senate be made to adjourn. Whenever the time comes that we are transacting business here when a majority of the Members of this body are not willing to remain and participate in transacting it, then it is time for the Senate to adjourn. That is my belief about the matter. I think it is time to adjourn when Senators decide that they do not want to listen, do not want to be here, and do not want to participate. I believe the best thing to do is to go home until they get ready to come to the Senate and participate in the public business.

The place for Senators is on the floor of the Senate. That is where Senators belong. I sent out invitations to practically every Member of this body asking them to come here and listen to me today. I have called quorums and done everything else to get them in; the Senators belong here.

There was such excitement here over my remarks at one point during the session today that I thought there would be no question at all that Senators would remain here. The Senator from Alabama likes to hear me, and he stayed, and if others were like him we would get along much better. But I am going to continue these remarks, even though I speak to but 10 Senators or 20 Senators.

Mr. President, there are 22 Senators present in the Chamber at this time.

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

Mr. LONG. I yield.

Mr. BANKHEAD. The Senator says he is going to continue. I should like to have him inform me, for my personal convenience, how long he is going to continue.

Mr. LONG. May I ask how the Senator from Alabama voted on this motion?

Mr. BANKHEAD. I voted right.

Mr. LONG. Then the Senator may go. I am now going to excuse all Members of the Senate, Mr. President, who voted against tabling the motion. I am going to agree that they may go. Would it be out of order if I were to ask unanimous consent that all Senators who voted as the Senator from Alabama voted may now go home? I think it is all right for them to go. They can now go ahead and leave. I will take the personal responsibility of every Member of the Senate leaving at this time who voted as the Senator from Alabama voted. They can now go home. That may cause me to lose some of my crowd. I should like to have as large a crowd as possible to remain. Twenty-two Members of the Senate, however, is nothing to be sneezed at. It often happens that there are not that many present in the Chamber and listening to a Senator who is speaking. I doubt whether there are that many now here who know what I have been talking about. The Senator from South Carolina [Mr. SMITH] looked at me as though he wanted to say that he did not think I knew what I was talking about myself.

Mr. President, at any rate, I think it is too bad that we should continue so long. I think we ought to adjourn. I really think we ought to. I think we should take a little recess and come back and vote on this matter at, say, 12:30 o'clock or 1 o'clock tomorrow. However, I do not want to withdraw my right to withdraw this motion. I would not want that in any unanimous-consent agreement. I will think this thing over tonight and decide by tomorrow, if this unanimous-consent agreement is reached, to withdraw my motion. I will think that over.

But, of course, if Senators do not want to do that, and if they want to hear the matter discussed further, we will have to continue. Many of us have dinner engagements. There are many pageants here in the city today; many are going on without the presence of Members of the Senate. Shriners are here from all parts of the United States. Many of them have come here hoping to have the chance, perhaps for the first time or perhaps for the last time, of seeing the distinguished statesmen in the United States, and they are here and there waiting on every corner. The banquet halls are yearning, the dance halls are yawning, the galleries are packed, packed with those who are crying for the presence of Senators, and I should be glad to have every Member of this body attend these functions tonight If they never go again, Mr. President, if they never go to another one I wish they would go tonight. The guests of the city are here, and they want the Senators to attend these functions. "Whosoever will, let him come"—that ought to be changed to "Whosoever will, let him go." That sounds a good deal better. Let them all go.

I think it is a discourtesy to many hundreds of people who are here listening that we should continue this way. There are 27,000 Shriners here in this city today There are enough Shriners here to beat any man for reelection from his own State if they took a notion to go against him The Shriners who are here from Texas could defeat my friend from Texas [Mr. SHEPPARD], who is up for reelection next year, and what a calamity it would be if that should happen. Just think of it, Mr. President. They are all here begging Senators to come and attend these functions. Senators ought to attend them.

Mr President, we ought to have a roll call to find out how many Senators have engagements for the evening and how many have appointments. Why not let us adjourn until 2 o'clock in the morning and come back. That would be all right if they want to have a night session. It would be all right with me. I would just as soon meet in the morning as meet in the evening. It does not make any difference to me. Let us, however, not do an unreasonable thing here. It is going to give a bad odor to the Senate if we do not go ahead here and take care of our engagements.

Mr. President, as is known, I have considerable social obligations in this city myself. I was writing a book here a few days ago on social etiquette, but never got the time to complete it. I have prepared recipes for many celebrated Louisiana dishes that I was instructing people how to mix and prepare. I was preparing a recipe for a very fine New Orleans salad dressing. I have been asked to attend many important social affairs in this city to instruct people how to prepare that salad dressing. Also, Mr. President, people up in this part of the country never have learned to fry oysters as well as we have done down our way.

I have spent a number of evenings acquainting people with how to prepare oysters. I had a bucket of oysters sent to me from Louisiana the other night, and I was asked by a very fine bunch of my friends if I would not drop around with the New Orleans oysters and fry some of them for them in good Louisiana style and way. So, Mr. President, I bought a frying pan about 8 inches deep. I bought the frying pan because I was afraid they would not have a frying pan there in which I could fry the oysters. I bought a frying pan, as I said, 8 inches deep and about 17 inches in diameter.

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

Mr. LONG. I yield.

Mr. TYDINGS. When the Senator fries oysters, is potlikker one of the concomitants?

Mr. LONG. No; that does not go in with the oysters. I will come to that later. I am coming to that because I am going to have my remarks taken down and a copy made and sent out to the several places where I was supposed to go this evening in order that these recipes and directions may be had by those people, and I will ask the stenographer that as soon as possible he give me at least seven extra copies of these recipes which I dictate into the RECORD so that I may have them for ready circulation in case we do not have an early adjournment.

As I was going to illustrate, Mr. President, about these oysters that I got from New Orleans. I bought this frying

pan 8 inches deep and 14 to 16 inches or 17 inches in diameter, and I bought a 10-pound bucket of cottonseed-oil lard, but I forgot to get a strainer, and when I got to the place to fry the oysters I had everything there except the meal and the strainer.

The lady had some meal, but she did not have any salt to salt the meal with, and that was the only bad thing about it. The strainer which they had was not the best strainer in the world, but I could use it all right. However, they had no salt for the meal, but I took the oysters, Mr. President, the way they should be taken, and laid them out on a muslin cloth, about 12 of them, and then you pull the cloth over and you dry the oysters. You dry them, you see, first with a muslin cloth, and then you take the oysters, after they have been dried, and you roll them into a meal which is salted. I did not have it salted this night, but it should have been salted. [Laughter in the galleries.]

Mr. President, you roll these oysters in the dry meal. You do not want to cook the meal or put water in the meal at any time or anything like that. Just salt the meal and roll the oysters in it. Then, let the grease get boiling hot. You want the grease about 6 inches deep. Then you take the oysters and you place the oysters in the strainer, and you put the strainer in the grease, full depth down to the bottom. Then, you fry those oysters in boiling grease until they turn a gold-copper color and rise to the top, and then, you take them out and let them cool just a little bit before you eat them.

Now, Mr. President, most people cannot tell when an oyster is done. They do not know when it has been fried enough. You wrongfully put them on the bottom of a skillet. You have got to have them totally submerged and you wait until they rise to the top, and when they rise to the top, a golden-copper color, then the oyster is cooked just exactly right, and then you take the strainer up out of the grease in the dish and the oysters are there and you let them drip for a little while and allow them to cool a little and then you eat them.

Mr. TYDINGS. Mr. President——

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

Mr. LONG. I yield.

Mr. TYDINGS. Does the Senator realize when he describes how these oysters are cooked and how appetizing they seem to be, that those of us who are listening are being inhumanly punished? [Laughter.]

Mr. LONG. I had forgotten that. I was trying to make the Senator from Mississippi [Mr. HARRISON] hungry, but he was raised in a part of the country where they do not understand the science of eating anyway. He has left the Chamber. I am afraid I made him hungry.

That is the way to cook oysters. If every Member of the Senate will clip out of the RECORD tomorrow what I have said today and not give it to his wife, but go and do it himself and then teach his wife—learn how to do it himself and then teach his wife—he will know how to fry oysters better than most families in Washington.

There is no telling how many lives have been lost by not knowing how to fry oysters, but serving them as an indigestible food. Many times we hear of some man who was supposed to have had an acute attack of indigestion or cerebral hemorrhage or heart failure, and the chances are the only thing that was the matter with him was that he had swallowed some improperly cooked oysters. [Laughter.]

It is very important that what I say here shall be correctly printed in the CONGRESSIONAL RECORD and that it shall be taken to heart and learned by every Member of the Senate.

Now, I come to potlikker. Now, I will give my recipe for potlikker. First let me tell Senators what potlikker is. Potlikker is the residue that remains from the commingling, heating, and evaporation [laughter]—anyway, it is in the bottom of the pot! [Laughter.]

Here is how potlikker is made. First you get some turnip greens. You have to wash turnip greens many times. One of the principal reasons why people do not like turnip greens is that they never do get them clean. "You have to wash them lots of times," said Cato, "lots of times." They always call him "Cato." [Laughter.]

Take the ordinary green, turnip greens or mustard greens, though turnip greens are better than mustard greens. Turnip greens contain more manganese than do mustard greens. The trouble with turnip greens is that most people never get the greens washed clean. Sand is always in them. You have to wash them and wash them and wash them, particularly if you have not any flowing water. If you have good flowing water to shower them with, you can wash them more easily. But you have to wash them plenty of times. In order to get every vestige of dirt and sand and grit out of the greens you have to wash them many, many times.

That is the first thing you do—wash the greens. You wash the turnip with the greens or you can cut the turnips off and peel them and wash them by themselves, and then wash the greens by themselves if you want to do it that way.

All right this far! Then you take the greens and turnips and put them in the pot. Remember this: Do not salt them. Do not put any salt, do not put any pepper, do not put any mustard, do not put any kind of seasoning in the pot with them. Put the greens in the pot. Cut up the turnips. The turnip greens could be cut up a little, too. Put them all in there together.

Then when you get them all in the pot together, put in a sizable quantity of water, I should say about as much water as you have of turnip greens. Then put in there a piece of salted side meat. I would say if you had a pot of turnip greens about two-thirds the size of this wastebasket which I hold in my hand, or perhaps three-fourths that much, you ought to put about a 1-pound hunk of side meat that is sliced, but not clear through, just down to the skin part. Put about a pound of side meat in there. That side meat is just salty enough and has just salt enough in it that it will properly temper the turnip greens when it has been cooked enough. That will be all the seasoning that is needed.

When you have cooked the greens until they are tender and the turnips until they are tender, then you take up the turnips and the greens, and the soup that is left is potlikker. [Laughter.]

That brings on the real question of the art of eating potlikker, the matter of consuming potlikker. You draw off the potlikker and you eat it separately from the turnip greens.

(At this point Mr. LONG yielded to Mr. MCCARRAN, who suggested the absence of a quorum, and the roll was called.)

Mr. LONG. Mr. President, the quorum call discloses a majority of the Members here, and I am glad they are here. Now, I wish to conclude what I am sending out to the neighborhood in general on the recipe.

I was at the point where I explained the cooking of oysters. I was just down to the preparation of potlikker, and had gotten through the first stages of the explanation of how to prepare potlikker. I had explained everything except to tell that the turnip greens must be cooked long enough. One great trouble here is that they never cook the turnip greens long enough. Do not cook them too long but cook them long enough. Do not steam them. You have to boil them.

I have stated those recipes for the RECORD this afternoon so that they may be had by all Members of the Senate and by the public at large tomorrow. Now that so many Senators have returned, I am no longer talking for the benefit of the RECORD. I am talking now for the benefit of the Senate because I have Senators here. I was speaking to the country a moment ago. The remarks I made were intended more for the country than for the Senate. Of course, I intended them for the Senate, too, but I intended them more for the country than I did for the Senate.

Now, I am talking to the Senate, to the Members here only. I am not concerned with whether or not the country hears about it. I want the Senate to get it. I want each and every Member of the Senate to make himself ready to stay here for several hours, until I get through, and if I

can do so without having to yield the floor, I should like to propound a parliamentary inquiry.

Would it be possible to call the roll and ask every Senator who will sit here and listen to me to indicate that he will stay here, and those who will not let them indicate that they will not do so? I would just like to find out how many of my friends in the Senate are really and genuinely interested in what I am saying. I do not want them to deceive me; I want to know how many Members of the Senate are genuinely glad to listen to me here today.

The VICE PRESIDENT. Does the Senator from Louisiana propound a parliamentary inquiry?

Mr. LONG. I wanted to know whether or not I could, by unanimous consent, have the clerk call from the desk the names of Senators and have them respond. I will put it in this way: Could I ask unanimous consent, without losing the floor, to have the clerk propound an inquiry to every Member of the Senate as to whether he is willing to stay here and listen to me or whether he really does not care about it?

The VICE PRESIDENT. The Chair will say to the Senator that he would have to yield the floor if that were done; but the Chair would suggest to the Senator that he can see the Senators sitting around him and he might ask them individually as to their sentiments.

Mr. LONG. Give me the list. I should like to find out if Senators really want to listen to me. The first name on the list is that of the Senator from Colorado [Mr. ADAMS]. I should like to know if the Senator from Colorado really wants to stay here and listen to me this evening?

Mr. LA FOLLETTE. Mr. President, I make the point of order that the Senator from Louisiana cannot yield except for a question.

The VICE PRESIDENT. The point of order of the Senator from Wisconsin is well taken.

Mr. LONG. Very well.

The VICE PRESIDENT. Any time the Senator from Louisiana yields for anything but a question he loses the floor.

Mr. LONG. Very well. I will not yield it, but I was hoping that, by unanimous consent, we could find out about it. I want to find out how popular I am in this body. [Laughter.] I want to know. If it should get back to Louisiana that the Senators are sitting here this evening listening to me, after I had been speaking for 7 hours——

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

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

Mr. LONG. I yield for a question.

Mr. ASHURST. I can answer the Senator as to his popularity at this moment, but I do not want to take him off the floor.

Mr. LA FOLLETTE. Mr. President, I make the point of order that the Senator from Arizona is not asking a question.

The VICE PRESIDENT. The point of order is well taken.

Mr. LONG. I only yield for a question; but I want to say that when the news gets back to Bossum Neck that after having spoken for 7 hours there was no Senator who wanted to leave, it will mean that my standing will have gone up 100 percent.

Mr. ASHURST. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. ASHURST. Is it not true that the Senator's present popularity is about as great as that of a cuckoo clock in a boys' dormitory at 3 o'clock in the morning?

The VICE PRESIDENT. The Chair is not prepared to answer the parliamentary question. Each Senator must answer in his own conscience how popular the Senator from Louisiana is.

Mr. LONG. If we could have a roll call, perhaps we would find out about it. I was going to call the roll; but, if Senators do not want to listen to me, the only gentlemanly thing for me to do is to go to my friend the Senator from Mississippi [Mr. HARRISON], who is a neighbor of mine and who would do me almost any favor in the world he could, and just ask him personally to let them all go home. That is what I was going to do; but, of course, the Senator from Wisconsin [Mr. LA FOLLETTE] gets up and objects and stops the whole business. So there is no way of telling how many Senators want to stay here, and I cannot make a personal request such as that of the Senator from Mississippi without having something to back it up. However, I do not believe the Senator from Arizona has got this right; I think he has it all wrong. I think he has just come back here out of jealousy. I really think the Senator from Arizona is offended because everybody wants to stay here and listen to me after I have talked for 7 hours. It is all right. I want to thank my colleagues for that mark of distinction. I appreciate it.

Now I am going to read again from the Constitution of the United States; I am going to continue the lecture which I started here today on the Constitution of the United States. I have read article I today, except for a few points which I omitted, and now I am going to take up article II, which I will read and explain. I want to say I am not talking only for the benefit of Members of the Senate; I am talking for the benefit of the whole country so that they may read what I say when they get the CONGRESSIONAL RECORD. It will be remembered that frequently one sees the CONGRESSIONAL RECORD lying around on store counters and in printing offices and in lawyers' offices, but nobody will read it at all; nobody will even open it up half the time; but the issue of the CONGRESSIONAL RECORD of this day and date, I will bet, will go down in history as requiring more extra orders for it than ever before, for the people will want to read the various truths and recipes that I have put in the RECORD today, and there will have to be an extra edition of the issue printed today before we get through. It will almost be an education in itself for a man to read the issue of the RECORD which will come out today.

Now I continue. I have read the preamble and section 1 of the Constitution. I now come to article II. Section 1 of article II of the Constitution of the United States reads as follows:

> The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of 4 years, and, together with the Vice President, chosen for the same term, be elected, as follows:
>
> Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

That means that a Senator of the United States cannot be an elector. I would not be allowed to be an elector tomorrow in my State. I do not know whether Senators know that or not, but a Senator can be a delegate to a national convention or he can be a national committeeman. I have been both; I am still a national committeeman and a State committeeman, chairman of a State committee; I am all kinds of a Democrat. But a Senator cannot be an elector. So that has been explained thoroughly. The right to hold office under political committees has not been taken away from us; we still have that right.

There is considerably more to this section that I am not going to read but I will read this other part:

> Congress may determine the time of choosing the electors, and the day on which they shall give their vote, which day shall be the same throughout the United States.

That is how the Congress acts. That does not mean the States have got to do anything. As an example, there is the Democratic Party of the United States, but there is nothing to keep the Democratic Party in Louisiana from nominating its own ticket and saying it has not got anything to do with the National Democratic Party. They did that with me in the case of the Farmer-Labor Party. I was nominated by the national Farmer-Labor Party for President of the United States in the last campaign, but when I went over to the Senator from Minnesota [Mr. SHIPSTEAD] to inform him that I was head of the party, the Farmer-Labor Party, of which he is a member, he refused to recognize me; and when I looked up the law and found there was no way by which I could compel him to recognize me as party

boss I declined the nomination. That party had only one member in the Senate and I could not rule him. So what is the use of being the head of a party if you do not have anybody to rule? [Laughter.]

So I have explained that article of the Constitution thoroughly and satisfactorily.

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected.

If one should want to have the salary of President Roosevelt raised he could not have it done during his term of office; he would have to wait and make the increase apply to the next President. The same thing is true about cutting his salary. The salary of the President may not be cut nor can the salary of the President be raised during the time he is in office. It is well for us to bear these things in mind. That is something I myself did not know, or I had forgotten all about it, but I am glad to think of that, because there are many people who either think we ought to raise the salary or cut the salary of every President who enters upon the office.

Every time a Senator gets it into his mind that the President is being nice to him he wants to raise his salary. Every time he differs from the President he wants to get his salary lowered. Neither of those things can be done under the Constitution of the United States. The only thing that can be done is to pass a law affecting the salary of the man who next becomes President.

Now I come to section 2.

The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States.

That does not mean that the President has to go out and fight. I am going to explain that article more vividly so that it will be better understood.

When a man is commander in chief it usually means he is too high to fight. When a man gets so high in the fighting order among the fighters he does not do any fighting. He promotes himself to where he is above fighting. That is the way it is with the commander in chief. The higher the fighter is the less fighting he does. That is the job of the President of the United States.

He may require the opinion in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices.

He may do more than that. He can fire them out of their jobs.

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

Mr. LONG. I yield.

Mr. LEWIS. I should like to know whether the solicitude of the able Senator from Louisiana as to the salary of the President of the United States and his privileges and power as Commander in Chief have been awakened in the Senator in view of his contemplation of being President himself.

Mr. LONG. Not exactly. I would not quarrel over the salary. [Laughter.] I would have no differences. If I were made President of the United States, I would not argue about the salary.

Mr. LEWIS. The Senator would take the job?

Mr. LONG. I imagine I would. I would not pledge myself to it right now; but I might. Provided I could get my friend the Senator from Illinois to act as one of my advisers, I think I would be willing to accept the office right off the bat.

Mr. LEWIS. That gratifies me. I know the Senator's course as President would be eminently wise. [Laughter.]

Mr. McCARRAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Louisiana yield to the Senator from Nevada?

Mr. LONG. I yield to the Senator from Nevada.

Mr. McCARRAN. If the Senator were President, I wonder if he would transport men from one State to control the political destinies of another under appropriations of Federal funds, where those Federal funds would be used as a political vehicle for political advantage.

Mr. LONG. I am very glad to answer that question, or any other question. I am happy to say that I would not. I would not send into one State a man from another State for the purpose of controlling public funds for politics, or even for anything else.

I am a State-rights man. I am a southerner, but an American first.

State rights! That is the cornerstone of southern civilization, the rights of the State.

The idea of a big State having sent into it someone who is above the United States Senators and the Governor as a relief dispenser, employing this man or that man or another man, giving them jobs and giving them titles. We are not even allowed to vote on them. That is what we have before us now, the question of whether or not we really have a government of the States and a government of the Congress of the United States, or whether or not all these functions have been abandoned. That is what we have before us now. That is why I am talking on this floor at this time to the few Senators who remain to listen to me this evening.

I say to my friend from Illinois, who wants to know whether I would accept the job of President of the United States, that if the present President keeps going as he is going I may have to take the office. [Laughter.] One can never tell. If he does not improve and they do not run somebody against him in the other party better than the man they ran at the last election, the chances are that I will be almost unanimously nominated and elected President of the United States. If there is no improvement. Unless somebody else gets in the way; then there might be another story to tell.

My enemies have given me nearly every job I ever held, strange to say. I deserve practically no credit for getting any position I ever held, even though I got it honestly, or by rugged ways, or by any other methods. I claim to have gotten everyone of my offices honestly.

I do not deserve any credit, even though the job is worth anything—and none of them are worth much. I have held all the jobs that are worth anything up to the one I now hold. I have had every honor that the people could bestow on me. I have had them all.

I have had the people throw roses in my path, and I have had them throw brickbats in my window. [Laughter.] I have had all the experiences that come in politics. I know all about politics. No man has had a wider or more varied experience in politics than have I, for my age. So I know something about politics.

I have had them vote to impeach me one month and banquet me the next month, then vote to impeach me the next month and then give me $100,000,000 to spend the next month. I know the vicissitudes of public and private life to some extent.

I will say this: Time will tell. The only way I can explain how I got the few jobs I have had in politics is that my enemies have had less sense than I have had. They have made the blunders which made the Huey Longs. They are the men who make the Huey Longs.

In Louisiana they so raked the State down that it was practically prostrate, and the only way the State's credit could be restored, the only way the people could have bridges over their rivers and bridges over their lakes free of fees, the only way they could have free school books, the only way they could have good hospitals, the only way they could have a first-class State university, the only way they could eradicate illiteracy, the only way they could have graveled roads for the farmers and paved highways, the only way they could take the insane people out of the jail cells and put them into hospitals, was to elect HUEY LONG; and that is why they did it.

If my fool enemies had had sense enough, they would have done things like that, and there would have been no need of HUEY LONG as Governor or as United States Senator.

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

Mr. LONG. I yield for a question.

Mr. McCARRAN. When the Senator made those appointments did he call in those who had no residential

qualifications within his State and no taxable qualifications within the State? Did he call in carpetbaggers from afar to control the affairs of his State? Is it not true that the Senator's whole regime and control of Louisiana was due to the fact that he dealt with Louisianans all the time?

Mr. LONG. That is what I did; I called in Louisianans only. I never called in scalawags and carpetbaggers from afar or political squanderers, even if they were good men. I let Louisiana run Louisiana. But that is not all. Whenever I proposed a law for the State of Louisiana I allowed the people of that State a chance to vote on it directly or indirectly before I ever put a draft of the proposed law before the legislature or undertook to pass it in the State. That is what I did, and that was the only way to act.

That is the only way to have done. So long as I was Governor of Louisiana there has never been a law that ever was written by HUEY LONG that ever was annulled by the Supreme Court of the United States or by the Supreme Court of Louisiana. I knew how to write constitutional laws, and I wrote some revolutionary laws, and they have been here before the Court and they have stood up. We did not need a new Federal Constitution. We could live within the Constitution. That is what we figured we could do. But I said the only way Louisiana could send their children to school was to elect me the Governor. They tried other Governors and could not get it done. They would not do it. The only way they could get bridges was to elect me Governor, and they had it to do. They tried other Governors and they could not get it done.

Mr. President, we elected Herbert Hoover on the promise of two chickens in every pot, and a home for every family, and a car in every back yard, and we did not get a thing out of him. We elected Mr. Roosevelt on his promise of a redistribution of the wealth for every man, woman, and child in America, but he has not done anything. Beware! If the people of this country cannot get something for their children to eat in any other way, if they cannot get homes for their families in any other way, if they cannot get clothes to put on the backs of themselves and their families in any other way, if they cannot send their children to school, if they cannot educate the young men, if they cannot get a job, if they have got to elect somebody like me to do it, they will do it before they will have the country starve to death. So I give warning to my enemies. Change your course while you have got time! Look about. Now is the time for all good men to search about to see if they should not make the amends which are required to avoid the loss of power they love to hold.

I am not used to power and they are. Josephus said, "There is no calamity like that which befalls a ruling class which loses its power." He said that when a man undertakes to make money or to gain power that he will use evil practices and contrivances to accomplish the end of gaining money or of gaining power. Ah, but he says when he has gained power or gained wealth he will multiply his evil practices a thousandfold in order that he may retain the wealth and power which he has acquired and learn the sweetness of enjoying. As if there were no calamities which could befall him as great as the loss of power, the greatness of which he had become used to exercising.

So it is with this country and with all other countries. All these things I am saying fall on so few ears! So few are listening; there are only 20 now in the Chamber who may be listening, or perhaps only 15. So few are here listening to these wise things I am quoting, and these things which ought to be remembered, things which ought to be heard. There are 15 Senators, Mr. President, listening to this speech. Fifteen Senators listening to a speech which I have been delivering now for a period of nearly 7 hours. Fifteen Senators listening to this speech! Imagine it, Mr. President! Imagine 15 Senators listening to what I am having to say! It is really absurd, it is really pitiful that in this day and time of advanced intellect, that when one undertakes to tell what are the needs of this country so few Senators are willing to sit in the Senate Chamber and listen. It almost brings one to tears to think that there is so little appreciation in the United States Senate. Why should I spend my time here trying to tell people what they ought to be doing if they do not wish to listen to me? Why should I spend my time in doing it? If it were not for the duty which I owe to the people, I would take my seat now. If I thought any Member of the Senate thought I was speaking because I felt I owed a duty to the Members of the Senate, I would stop right now. However, I owe a duty to the country. My people sent me here, and, having sent me, they expect me to tell the Members of the Senate what I know about these matters, and I am doing it to the best of my ability, whether Senators feel like they want to hear it or not.

Mr. President, it has to be done. Someone must speak the truth to the people in the presence of the king. Someone must speak the truth to the king in the presence of the people. The truth must be told, facts must be known, things must be done. Necessary, needful, proper things must be told. It is most essential that these points of information should be developed in the Senate.

Talk about rushing through legislation! The N. R. A. ought to be the last thing we are rushing on. No one ought to be rushing the N. R. A. The Supreme Court just declared the whole thing unconstitutional a few days ago. Yet you want to enact another measure dealing with the N. R. A. before sundown. Think of that. I was one of the very few who advised the Members of the Senate the last time we acted on this question that N. R. A. was invalid and unconstitutional.

Now, why should not the Senate be willing to listen? After giving that kind of advice to the Senate, the Senator from Arizona is under the impression that my advice here this evening is as welcome as a cuckoo clock sounding an alarm at 2 o'clock in the morning.

Mr. ASHURST. In a boys' dormitory.

Mr. LONG. In a boys' dormitory. Can you beat that? The fact that I am telling the truth—"Am I therefore become your enemy because I tell you the truth?"

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

Mr. LONG. I yield.

Mr. BONE. I missed that quotation. I want to get these words of wisdom from the Senator, but I missed the quotation from the Bible.

Mr. LONG. Mr. President, I knew the Senator would finally be converted! "There is more rejoicing in heaven over one sinner that repenteth than over ninety and nine just persons, which need no repentance."

Mr. BONE. I felt myself weakening. I do not know how I shall be able to stand up under it.

Mr. LONG. That is right, Mr. President. The Senator may finally be converted.

> So long as the lamp holds out to burn
> The vilest sinner may return.

I will tell the Senator what I quoted. I quoted from the Book of Hosea, chapter 14, verse 16. It might be the seventeenth verse—

> Am I therefore become your enemy because I tell you the truth?

Let me get my Bible over on my desk and see just at what place this quotation occurs. Here is the Book of Hosea. Hosea is in the Old Testament. It will be found among the books of the Old Testament. In the index it does not give the page at which the Book of Hosea begins. It is right after the Book of Daniel and just before the Book of Joel. I will see if I cannot find it here, and read that quotation to the Senator from Washington and the other Members of the Senate. It is in the Book of Hosea. Hosea appears right after the Book of Daniel and just before the Book of Joel. I have now found the Book of Hosea and I have come to the fourth chapter.

Mr. President, I am sorry to say that I got that quotation wrong. That is not the verse. I made a mistake there—

> Am I therefore become your enemy because I tell you the truth?

I have forgotten just where that quotation is. I had it wrong, and I gave the wrong verse. That is funny. Seldom do I make a mistake like that in reference to the Bible. How-

ever, I will read to the Senate what appears in the Book of Hosea in the fourth chapter.

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

Mr. LONG. I yield for a question to the Senator from Nevada.

Mr. McCARRAN. Did the Senator from Louisiana say that the Book of Daniel was before the Book of Job?

Mr. LONG. No, Mr. President.

Mr. McCARRAN. I just wanted him to be correct.

Mr. LONG. The Book of Job is before the Book of Daniel.

Mr. McCARRAN. I just wanted to know what the Senator said about that.

Mr. LONG. I said that the Book of Hosea was just before the Book of Joel, and it appears right after the Book of Daniel.

I will read the Senate what Hosea said in the fourth chapter and seventeenth verse. I am sorry I made the misquotation. I cannot remember where the verse I quoted appears, but it will come to me. However, I will read the seventeenth verse.

> Ephraim is joined to idols; let him alone.

That, Mr. President, is easily understood.

> Ephraim is joined to idols.

Mr. ASHURST. "His idols."

Mr. LONG. No; it does not say "his idols." It says:

> Ephraim is joined to idols; let him alone.

"Ephraim" refers to a country. The United States might be considered as Ephraim. It is a country. If a race or nation of people are joined to their idols, let them alone. This country is joined to the Astors or to the Rockefellers; you have yourselves tied up here with the big fortune holders and you will not do what you ought to do by your people. Let them alone. They are beyond salvation. That is what the Bible says. I am very pleased indeed to have run across this other passage, although I should like to find—and I promise my friend I will find—the other passage in the Scriptures, but it is exactly as I quoted it:

> Am I therefore become your enemy because I tell you the truth?

There is another passage in the Bible which says:

> Know ye the truth, and the truth will make you free.

Both of those are very important passages of the Scriptures and ought to be known by more people.

I am not going to continue talking on the Bible this evening, because the lecture I am delivering is aimed at disclosing the Constitution of the United States. It is now 7:30 o'clock p. m. Many Members of the Senate who wished to go to their appointments, I believe, ought to be allowed to go. I want to know if it would be out of order if I should move to take a recess until tomorrow at 12 o'clock? Would I lose the floor by moving a recess? Of course, if the motion to recess should carry I know that would mean that my speech would be concluded.

The PRESIDENT pro tempore. Is that submitted as a parliamentary inquiry?

Mr. LONG. Yes.

The PRESIDENT pro tempore. The present occupant of the Chair is of the opinion that the Senator would lose the floor.

Mr. LONG. If I should move a recess?

The PRESIDENT pro tempore. Yes; that is the opinion of the present occupant of the chair.

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

Mr. LONG. Yes; for a question.

Mr. McCARRAN. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. McCARRAN. If any other Member than the Senator who occupies the floor should move a recess, could it be done without having the Senator who now has the floor lose the floor?

The PRESIDENT pro tempore. If there is any business intervening, then the Senator is construed as starting another speech. If any business intervenes and the Senator allows it to intervene, having the power to prevent the intervention of any business, then if he is recognized it will be regarded as the beginning of a second speech.

Mr. BARKLEY. Mr. President, a further parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BARKLEY. Where the Senator yields to another Senator to make a motion to recess or adjourn or for any other motion, does not that of itself take the Senator from the floor?

The PRESIDENT pro tempore. It is the opinion of the Chair that it constitutes business, and if the Senator is recognized again it is for a second speech.

Mr. BARKLEY. A further parliamentary inquiry. Does the Senator who loses the floor have any prior right to reoccupy it upon the disposition of the motion?

The PRESIDENT pro tempore. Not under the rule. If he rises and addresses the Chair first, then it is the duty of the Chair to recognize him.

Mr. LONG. I have only made one speech today, as I understand. I have not yielded for anything, except straight down the line.

The PRESIDENT pro tempore. The present occupant of the Chair is advised that the Senator from Louisiana is making his first speech.

Mr. LONG. Then, I want to warn every Member of the Senate now that I do not want anyone to ask me to yield for anything except a question. I hope my friends will take warning, because it is up to me to protect my rights about the matter. I do not want anyone to ask me to yield for anything but a question, because I want to make my speech complete and get through with it as soon as I can. I do not want to be disturbed by any interruptions except for questions or parliamentary inquiries or points of order. That is all. Of course, Senators have a right to call a quorum. That has been ruled. I have a right to yield for the purpose of calling a quorum or for the purpose of a Senator asking a question or submitting a parliamentary inquiry or raising a point of order, and things of that kind, but that is all.

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

Mr. LONG. Within the rule only.

Mr. McCARRAN. I ask the question of the Senator from Louisiana—in fact, it is a double question, addressed as well to the Presiding Officer. Could the Senator yield, without losing the floor, to a motion to recess?

Mr. LONG. I would do so if I could yield without losing the floor.

Mr. McCARRAN. I address the question to the Presiding Officer.

The PRESIDENT pro tempore. If the Senator is addressing a parliamentary inquiry to the Chair, it is the opinion of the present occupant of the Chair that a motion to recess is business different from that now pending, and therefore the speech of the Senator from Louisiana would end upon the making of the motion. He could be recognized again.

Mr. McCARRAN. May I, to clarify the ruling of the Chair, state my views as to what I understand, from the ruling of the Chair, as a question to the Senator from Louisiana? If some Member of the Senate should move a recess now, could the Senator from Louisiana have the floor tomorrow upon reconvening?

The PRESIDENT pro tempore. In the opinion of the present occupant of the chair, he could not.

Mr. McCARRAN. A further parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. McCARRAN. With the permission of the Senator from Louisiana, under what condition can I move to recess so the Senator from Louisiana would have the floor tomorrow?

The PRESIDENT pro tempore. It is the opinion of the Chair that a speech of a Senator is not business of the Senate; that the business of the Senate to which the Senator from Louisiana is now addressing himself is the pending question; that if he yields for the presentation of an initial question, he ends his speech. He will then be in the same

position, whether this evening or tomorrow, as any other Senator with reference to obtaining the floor for an additional speech.

Mr. LONG. Mr. President, I am almost on the verge of appealing from this ruling of the Chair.

Mr. McCARRAN. Mr. President, may I propound another question to the Senator from Louisiana?

The PRESIDENT pro tempore. The Chair has not ruled. He is merely giving his opinion in answer to a parliamentary inquiry.

Mr. McCARRAN. The Chair has not ruled?

The PRESIDENT pro tempore. The Chair is giving his opinion in answer to a parliamentary inquiry. There is no decision, because no question has yet been raised upon which there may be a decision.

Mr. McCARRAN. That is correct. May I propound this question to the Senator from Louisiana?

Mr. LONG. I yield for a question.

Mr. McCARRAN. Would the Senator from Louisiana yield so that a motion might be made, not that he would lose the floor, but directly against his losing the floor—a motion for a recess or adjournment?

Mr. LONG. I do not know how that can be done. I cannot fathom it. I think, perhaps, we can get the matter before the Senate in this way: It might be that I would ask of the Chair the right to move a recess without losing the floor, and if the Chair declined to grant that right, then I might appeal from the ruling of the Chair and submit it to the whole body. That might be the best way to solve the matter. I ask the Chair to help us out in this matter and try to get it before the Senate in the best way.

Mr. McCARRAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Louisiana yield to the Senator from Nevada?

Mr. LONG. I yield to the Senator from Nevada.

Mr. McCARRAN. A parliamentary inquiry. If the Senator should yield for the purposes just stated, and the absence of a quorum should be suggested, would the Senator yield the floor, in view of the fact that no business has been transacted?

The PRESIDENT pro tempore. Will the Senator please state his inquiry again? The Chair is not quite clear on the question the Senator asked.

Mr. McCARRAN. Taking into consideration the statement just made by the Senator from Louisiana, if some Member of the body should move a recess now, would that be in order without the Senator from Louisiana losing the floor on the next convening of the Senate?

The PRESIDENT pro tempore. It is the opinion of the present occupant of the chair that the Senator speaking may not yield except for a question; that if he yields for the purpose of a motion he yields the floor, and the Senator making the motion has the floor while making the motion.

Mr. McCARRAN. May I propound another question? Assuming that I should now make a motion to recess, would I have the floor on the reconvening of the Senate tomorrow?

The PRESIDENT pro tempore. The Senator would not. Upon the completion of his speech, or his motion, or whatever it might be, the first Senator who should rise tomorrow morning and address the Chair would necessarily, under the rules, have to be recognized.

Mr. McCARRAN. My question was directed pursuant to the statement the Chair last made.

Mr. LONG. Mr. President, it has been previously ruled that the calling of a quorum does not cause the occupant of the floor to lose it. That ruling was made by the Vice President. May I inquire whether the present occupant of the chair has changed that ruling?

The PRESIDENT pro tempore. It is the opinion of the present occupant of the chair that it is the intent of the rule, taking into consideration the rule that a Senator may not be interrupted by a motion or bill or any other matter except to answer a question, that the Senator speaking has absolute control over the floor until he sees fit to yield; that if he yields for the purpose of a quorum call, the quorum call is the transaction of business by the Senate; and when the transaction of business by the Senate takes place, when it starts on other business besides the roll call, the rule that it is the duty of the Chair to recognize the Senator who first addresses the Chair is in force.

Mr. THOMAS of Oklahoma. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Oklahoma will state it.

Mr. THOMAS of Oklahoma. It has been stated once or twice this afternoon that one Senator can make only two speeches upon any given proposition. My parliamentary inquiry is, Is that the holding of the present occupant of the chair?

The PRESIDENT pro tempore. It is.

Mr. THOMAS of Oklahoma. From that decision I respectfully appeal, Mr. President.

Mr. BARKLEY. Mr. President, I make the point of order that there has been no decision.

The PRESIDENT pro tempore. The Senator from Oklahoma has propounded a parliamentary inquiry, which the Chair has attempted to answer; but there has been no decision, because no question has been raised, and no ruling has been made.

Mr. THOMAS of Oklahoma. In the event the Chair made no ruling, I withdraw my appeal.

Mr. BLACK. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BLACK. Since business was transacted, and the Senator from Louisiana took the floor after that business was transacted and the quorum was called, I ask the Chair if this does not constitute the second speech of the Senator from Louisiana.

The PRESIDENT pro tempore. The present occupant of the chair was not present at the time the occurrence in question took place and is not acquainted with the facts, and therefore cannot answer a parliamentary inquiry of that kind.

Mr. BARKLEY. Mr. President, a further parliamentary inquiry. Aside from the mere calling of a quorum, when an appeal is taken from a ruling of the Chair and a vote is had upon that appeal, is that the transaction of business by the Senate?

The PRESIDENT pro tempore. That is the opinion of the present occupant of the chair.

Mr. LONG. Mr. President, I hope the Vice President and the President pro tempore will not "two time" us on these rulings. The Vice President takes the chair and rules one way, and then the President pro tempore comes back and rules another way. I do not know how that is done. We have not had any election since the last ruling, but we still have another set of rulings. It complicates matters, and I am green in all these matters. I have had very little parliamentary experience. I will ask the Chair to take care of me the best he can. I am going to throw myself in the hands of the Chair and beg for mercy, and ask that if he changes the rules again he will change them in my favor [laughter] and give me a good break out of this thing. At my innocent time of life I undertake to do this.

I have just been handed a copy of the opinion in the Schechter poultry case, delivered by Mr. Chief Justice Hughes. I wish I could get the unanimous consent of this body to ask Senators if they have read this opinion. If they have not, I ought to read it to them. The Senator from Idaho [Mr. BORAH] indicates that he has read it. May I ask Senators if they will make known to me, by whatever sign they can without my losing the floor, whether or not they have read the decision in this chicken-coop case? This is the chicken case which was before the United States Supreme Court.

I see only one hand raised, and that is the hand of the Senator from Idaho [Mr. BORAH]. As a matter of fact, he said this act was unconstitutional before the Court passed on it. He is the only Senator here who did not need to read

it, except myself; and the Senators who did need to read it have not even read the opinion. What do you know about that? Is not that a strange way to legislate?

I have not read the decision, because I did not need to read it. I told them what the law was before they did it. The Senator from Idaho has read it, and he had already told them what the law was, too. So, therefore, he read something when it did not make any difference whether he read it or not, and the rest of the United States Senators have not read the decision at all, and now they want to vote on the measure again!

Let us see whether or not I ought to read this opinion. It is 21 pages long. If I had the absolute assurance of every Senator here that he would remain, I should read this decision. I am going to start reading, and when the first Senator leaves I shall stop reading. I give warning that I am reading this as a labor to myself and as a courtesy to the other Members of this body. I am going to stand here and read this decision from my own desk to every Member of this body.

Supreme Court of the United States.

I see some of the Senators are coming in. The crowd is growing.

Supreme Court of the United States, nos. 854 and 864, October term, 1934.

You see, this is the October term, 1934, but they rendered the decision in 1935. Some of you lawyers do not understand how that is, but that is according to the rules of the Court. They designate the term according to the month in which they meet. Then it stays the same term for the whole year. If the Court had sat for the whole year it would have been the October term, 1934, even though they had sat until September 1935.

A. L. A. Schechter Poultry Corporation—

Poultry means chickens—

A. L. A. Schechter Poultry Corporation, Schechter Live Poultry Market, Joseph Schechter, Martin Schechter, Alex Schechter, and Aaron Schechter, petitioners *v.* the United States of America. The United States of America, petitioner *v.*—

Senators are beginning to leave, so there is no need of trying to read them this decision. One Senator has already walked out. I will continue reading, but if many more Senators leave I will not undertake to burden myself with reading this. They would probably rather hear me speak, and if that is the way they feel I will stay here and speak to them—

A. L. A. Schechter Poultry Corporation, Martin Schechter, Alex Schechter. On writs of certiorari.

I should explain to Senators who are not lawyers what certiorari means. Certiorari is a Latin term, Mr. President; it comes from the Latin. I do not know what the Latin word is it comes from. [Laughter.] A Senator near me says it comes from Cicero.

On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

What "certiorari" means is this: It comes from the Latin.

Mr. MINTON. It is Latin.

Mr. LONG. Oh, it is; I did not know that. Mr. President, the word is a Latin word. The word "certiorari" means that you direct instructions to somebody to send you something.

Mr. McCARRAN. To search for something.

Mr. LONG. Yes. "Search him" would be the proper term. [Laughter.] It is a direction to go look to see what a man has got and bring it in here. That is the meaning of the word. So the case was tried.

On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

May 27, 1935.

Mr. Chief Justice Hughes delivered the opinion of the Court.

Petitioners in no. 854 were convicted in the District Court of the United States for the Eastern District of New York on 18 counts of an indictment charging violations of what is known as the "Live Poultry Code."

I want to explain what that violation was so that Senators will understand in advance. Mr. President, a coop of chickens——

Mr. BARKLEY. Mr. President, I make the point of order that Senators have no right to interrupt the Senator occupying the floor without rising and addressing the Chair.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. LONG. The violation in this case was this: They sent a coop of chickens, I think, from New Jersey to New York. In that coop there were some "dominicker" roosters, a plymouth rock, a buff cochin, white leghorns, and some common chickens that nobody knows by any name except chickens, hill-billy chickens, and various other kinds of chickens. When this coop of chickens got to New York a man opened the coop; the chickens began to flutter around, and he looked into the coop and said to himself, "I believe I like that pullet right over there, that frying-size pullet. I believe I will take that one." The man in charge said, "Hold on there; wait a minute there; before you pull out that pullet hold on a minute; let us get down the N. R. A. rule book and look through it and see what the rule is before you take a chicken out of the coop, because these chickens come in here in interstate commerce and you have got to follow the rule book." So they got down the rule book, volume 6, or whatever volume it was of the code affecting chickens.

I presume there are about 16 or 20 volumes; I do not know as to that; there may not be so many; but let us say, for the purpose of the argument, they got down volume 6 and looked on page 631 of section 4, subsection (z), subdivision 2, and it said there that no man could reach into a coop of chickens and pick out any particular chicken; that he had to blindfold himself and reach in and take whichever chicken came to hand. [Laughter.] That is in the code; that is a part of this wonderful thing that we are sitting here to reenact after a few minutes as soon as I get through talking. Just so soon as I get through speaking that will be the next order of the day.

The rule book of the code said that a man could not reach into a coop of chickens and take whichever one he wanted. "Well," the chicken purchaser said, we will say for the sake of the argument, "that chicken there has got pin feathers that I do not like," or, "I do not want a hen; I want that rooster," or, "I do not want a rooster; I want a frying-size chicken," or, "I want a yellow-legged chicken; I do not want a buff cochin; I want a white leghorn." People are funny that way; they think there is some difference in chickens. As a matter of fact, there is not much difference in chickens; chickens are nearly about the same. Take them up and take them down, a chicken is a chicken, and you cannot make anything else out of it. However, this code said the purchaser had to take whatever chicken he found. He would not do that. So he proceeded to get the chicken that he wanted, regardless of the law and the code. He took the chicken home and put it in his pot, made some dumplings—probably, in violation of the law, being made too big. [Laughter.] So they indicted the poor devil and ordered him sent to the penitentiary because he got out of the coop the kind of a chicken he wanted. He made the dumplings. He fried some dumplings and probably boiled the gizzard, when he should have roasted it. Mr. President, a gizzard is better roasted than boiled. I found that out years ago. Always roast a gizzard; never fry a gizzard. When he got through with the chicken the man was ordered to jail. Of course a man does not like to go to jail if he can help himself. I have been there myself. I was there one time because I did not have any other place to go and another time because they did not want me to go any other place. But this man decided that he would not go to jail. So he went to court. He hired a lawyer. The case was tried and he lost the case.

The judge called him up and said, "Sorry, old man; you violated the law." The defendant asked, "What law?—the law that Congress passed?" The judge said, "No; you vio-

lated a law that the rule maker under this chicken-coop case made, which is found in rule book, volume 6, page 641, paragraph Z, subdivision 2, which provides that a purchaser has to take chickens as they come; that he cannot discriminate between chickens." [Laughter.] I remember a poem about that:

Chickens, chickens, what makes you roost so high?
Chickens, chickens, they are going to get you before you die.

This fellow then gets a lawyer, pays him his cash, and gets convicted. He appeals the case to the circuit court of appeals. That is the next court up. For the benefit of the laymen of the Senate, I will state that a defendant is first tried in the district court. No; I am wrong as to that.

The first thing is that the rule maker, the man in charge of handling it, comes around and passes on the case. Then you appeal to the code authority of that particular industry, and they pass on the case. If they pass on it against you, you can appeal to the district court. That is the third court to which you get. When this man got to that court they convicted him, and he went to the circuit court. This man came here to the Supreme Court of the United States asking for a writ of certiorari directed to the circuit court of appeals to dissolve the whole case and to annul the sentence. The order would have to be from the Supreme Court to the circuit court of appeals requiring them to set aside the judgment of the district court, as I take it. We use the term "certiorari" in Louisiana. Certiorari is one of our writs, and I suppose it would be about the same procedure as that found in the courts here.

The Supreme Court finally passed on the case. It is a case of very great importance. It is one of the most far-reaching cases of jurisprudence in the country. It is more important than anything since the days of the Roman Empire.

Who knows what the Supreme Court held in that case? This is what they held, that a man has the right to any kind of a chicken he wants to eat.

Mr. McCARRAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. CLARK in the chair). The Senator will state it.

Mr. McCARRAN. If at this time, pursuant to the permission of the Senator having the floor, and without his losing the floor, I should ask permission to introduce a bill out of order, by unanimous consent, would that take the Senator from Louisiana from the floor?

The PRESIDING OFFICER. The Chair is unable to answer the question in the form in which it is framed by the Senator from Nevada because he has included in his parliamentary inquiry the question whether the Senator could yield without losing the floor.

The present occupant of the chair is advised that the President pro tempore of the Senate has recently made a ruling, by which the present occupant of the chair feels bound, that the Senator would lose the floor if he yielded for the purpose of the Senator from Nevada introducing a bill. The present occupant of the chair feels bound by the recent ruling of the President pro tempore, and so rules.

Mr. LONG. Mr. President, I do not know how we are to understand these rulings. The Vice President made a ruling before the ruling of the President pro tempore, and the President pro tempore did not feel bound by it. Now the present occupant of the chair says he feels bound by the ruling of the President pro tempore. So we get caught going and coming, and get no ruling at all.

Mr. McCARRAN. A further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCARRAN. That the Chair may understand and that the Senate may understand, the bill I would propose to present and have filed and printed and referred properly would have no bearing on the subject matter now before the Senate. I make this statement in order that the Presiding Officer may be entirely advised. It is a bill which bears on the subject of the Silver Purchase Act of 1934.

The PRESIDING OFFICER. The Chair will state to the Senator from Nevada that the subject matter of the bill would have nothing whatever to do with the subject of the parliamentary inquiry, and would not change the opinion of the Chair in the slightest degree.

Mr. McCARRAN. I did not catch the ruling of the Chair.

The PRESIDING OFFICER. The Chair has not made a ruling except in response to the parliamentary inquiry. The Chair stated that he would feel bound by the recent opinion expressed by the President pro tempore of the Senate, and stated to the Senator from Nevada that the subject matter of the bill would, of course, have no parliamentary significance.

Mr. McCARRAN. Very well. With that in mind, and in keeping, if the present Presiding Officer desires to conform to the former ruling of the President pro tempore, may I at this time introduce by unanimous consent a bill—

The PRESIDING OFFICER. The Chair——

Mr. McCARRAN. May I conclude?

The PRESIDING OFFICER. Yes.

Mr. McCARRAN. Without having the Senator from Louisiana lose the floor?

The PRESIDING OFFICER. The Senator may not. That would be the opinion of the Chair.

Mr. McCARRAN. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCARRAN. May I appeal from the decision of the Chair without having the Senator—

The PRESIDING OFFICER. The Senator may not. The Senator may not appeal from an opinion of the Chair on a parliamentary inquiry. The only way in which the Senator can appeal from a decision of the Chair is to have the subject matter of the discussion come up, have a point of order made and a ruling made by the Chair, and from that the Senator may appeal. The Senator cannot interject a parliamentary inquiry into the debate and appeal from the response of the Chair. The Senator from Louisiana is recognized.

Mr. McCARRAN. One further question.

Mr. LONG. I yield.

Mr. McCARRAN. A parliamentary inquiry. I am very sorry that the Presiding Officer did not permit me—

The PRESIDING OFFICER. That is not a parliamentary inquiry, and the Chair recognizes the Senator from Louisiana.

Mr. McCARRAN. A parliamentary inquiry.

The PRESIDING OFFICER. The Chair will state that it is not a parliamentary inquiry for the Senator from Nevada to express regret at a ruling of the Chair. Does the Senator from Louisiana desire to continue?

Mr. LONG. Oh, yes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG. I desire to continue. I want to go ahead with my explanation of the chicken-coop case before I get through. I want to get this chicken matter straightened out in the minds of Senators before I quit the matter. This opinion was delivered by Chief Justice Hughes. Chief Justice Hughes has been on the Supreme Court of the United States twice. He was appointed on the Supreme Court by two different Presidents. He is known as a liberal of the Court, is he not? He is the main liberal up there. He has been doing all the affirming of these things nobody thought we had a right to do, so he was being heavily criticized for his liberal tendencies. He was a liberal. But Justice Brandeis and Justice Stone and Justice Cardozo were known as more liberal than Chief Justice Hughes.

Then there was another man, Mr. Justice Roberts, who was known as sort of half and half, a conservative-liberal. That is the way the papers classify him. Then there were others called conservative and others call ultraconservative. That is how they had the Court composed, liberal, and radicals, and liberal-conservatives, and conservatives, and ultraconservatives. That is about the limit. That is how they had them all sized up, one this, one that, somebody one thing, somebody else something else.

Before I go further in reading this opinion, I wish to say that I am not going to be given the national blame for keep-

ing the Members of the Senate from participating in the Shrine conferences in this city. I want it understood that I now request every Member of the Senate to go to his respective Shrine delegation, if he wants to, to place himself at their disposal, and to do what he can to make them comfortable while they are in this city. It is their duty to do it. They ought to do it. As much as I want them to listen to me, I am not going to complain if they go.

It is a terrible discourtesy that is being shown to the Shriners. I am a member of the Baptist Church, myself. Shriners are a Protestant order. Many people think I am a Catholic, and think I am talking here tonight in an effort to keep people from seeing the Shriners' parade. I want it understood that that is not so. I am a member of the Baptist Church.

The PRESIDING OFFICER. The occupants of the galleries will refrain from demonstrations of approval or disapproval. They are guests of the Senate, and as such should observe the rules of the Senate.

Mr. LONG. Mr. President, I do not mind the occupants of the galleries being here as guests of the Senate, nor do I object to these demonstrations. I will state for the benefit of the Senate and for the benefit of the galleries that those in the galleries are here as guests of the Senate, and that demonstrations of approval or disapproval are not allowed. Of course, if those in the galleries approve of what I say it would be all right for them to write me a nice letter. In case I should run for office you can enclose a little contribution for the next campaign. Things like that are always in the rules of the Senate, but demonstrations in the galleries are not allowed. That is my understanding.

I shall now proceed to read this case. I was interrupted so many times that I never did get started to read it the last time. All I could read was the title and the explanation of the Latin in the title. I attempted to explain the Latin words for the benefit of those who had never studied Latin. If it were not for my digression along that line I should have gotten very much further into this decision. They say:

Petitioners were convicted in the District Court of the United States for the Eastern District of New York on 18 counts.

Imagine that—18 chickens, 18 counts! In my time, Mr. President, if a man came and got a sack full of chickens they did not try him on more than one count. In this case it is divided up—18 chickens, 18 counts, 18 sentences in the penitentiary. One Dominique rooster could send a man to the penitentiary.

Charging violations of what is known as the "Live Poultry Code."

The Live Poultry Code! I wonder if they have another for dead chickens. They must have another rule or another code for chickens after they kill them.

And on an additional count for conspiracy to commit such violations.

Can you beat that? Do you know that if you bought a chicken from a man and it was taken out of a coop in any way other than as it is provided in the code, that that would be a conspiracy? Mr. President, the law provides that whoever conspires to violate a law of the United States is guilty of a conspiracy and he will go to the Federal penitentiary. Any man who bought a chicken out of a chicken coop which was taken out of there in any way except as it was stated in the code that it should be taken out of that chicken coop was guilty of a conspiracy to violate the law. If you took a Dominique rooster and twisted his neck off, when the code said that his head ought to be cut off with a hatchet, you would be violating the law. That would be a conspiracy and it would cause you to be sent to the penitentiary.

Talk about law! Where had we finally gotten to when the Supreme Court of the United States finally said, "Hold on"? They said, "Hold on. All the crazy people are not in the insane asylum," they said. "Hold on. Stop a minute; just a minute," said the nine judges. "Just a minute here, you 21-year-old men. Think a while before you finally get down to where you make this Government the laughing stock of the animals of the woods and the fowls of the air. Stop a while."

There never was a polecat conference that had in it any such thing as was before the Supreme Court of the United States in the poultry case. Eighteen counts, 18 convictions, and the nineteenth conviction on the ground that they wrung the chicken's neck off instead of cutting its head off with a battleax.

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

Mr. LONG. I yield for a question.

Mr. McCARRAN. In order that I may have the construction of the present Presiding Officer, may I propound a parliamentary inquiry based on some experience I have just gone through which is not in keeping with former rulings? If I propound a question of the Senator having the floor, does he lose the floor? I make that parliamentary inquiry.

The PRESIDING OFFICER. The Chair would rule that he does not lose the floor.

Mr. McCARRAN. Very well. I should like to propound this question, in keeping with the thought the Senator has just expounded—whether he has in mind the expression of Gen. Hugh Johnson, who said that the nine judges of the Supreme Court of the United States were old men in kimonos.

Mr. LONG. Is that what Mr. Hugh Johnson said?

Mr. McCARRAN. I so read it.

Mr. LONG. Well, that is about like this thing which has been going on around here. Gen. Hugh "Sitting Bull" Johnson and his type have been running this country pretty well with a gang of bureaucrats. Do Senators know who they had in Louisiana? Who do the Senate reckon they had down there in charge of the N. R. A. for Louisiana, the rule maker par excellence, the high muck of the high-muckety-muckers? They had a fellow down there by the name of Arthur Hammond. I looked that man up. When I was Governor of the State of Louisiana I went down one day and just by accident I saw two pay rolls, which were submitted to me in accordance with a legislative resolution, and on the two pay rolls I saw, just by accident, the same name. I saw the same name on both of them. I thought to myself there must be some mistake here. Here was Arthur Hammond's name on the pay roll of the Cearnarvon Crevasse Commission at $500 a month, and here he was on the pay roll of the port commissioner of New Orleans; Arthur Hammond's name was on that at $500 a month.

Under the law of Louisiana any man drawing double salary on two pay rolls was guilty of holding a dual office, and under such a situation he could go to the penitentiary. And whoever put him on there ought to have gone to the penitentiary if he knew about it.

I looked the matter up, and I said, "Who is this man Arthur Hammond?" They said, "He never held a job paying a hundred dollars a month in his life before he got this job on the board." I said, "Do you know he is on the dock board also?" They said, "What?" I said, "Yes; here his name is." I sent down for the checks so that I might have them before me, and I found that the man had drawn two checks for the same month there for about a year and a half, and I got the checks where he had endorsed them for about $400 or $500 a month from both boards.

As Governor of the State I ordered him dismissed from both pay rolls, because he was not fit to be on either one of them. I have had an investigation made and I have found that he had not made $100 a month before that time, or $100 a month since that time. A newspaper down there gives his wife money to follow me in Washington and take the trains which I ride. She takes every train I ride and goes home with me, and then she chaperons me back, and the newspaper pays his wife money to chaperon me.

Now they want a man to be the ruler over all the businesses, a good, high, honorable, outstanding man of integrity and business sagacity, and whom do they give it to? They give it to this man that I found on those two pay rolls in violation of the law, who never held any other real job before in his life, and he was the rule maker and he would

rule one thing and he would rule another thing and he would rule still another thing. Well, every little man who had a peanut stand he put out of business. Do Senators know what I did? I put out an announcement to the people of Louisiana, "Pay no more attention to this N. R. A. than as though it had never been written, and I will go to jail with you if they convict one of you." These scoundrels and scalawags cannot deter us, they cannot put fear in our hearts in Louisiana. We defy this unconstitutional, criminal skullduggery, and we will not stand for it, and we never did pay the N. R. A. any mind in Louisiana.

We have law and order in Louisiana. We live under the Constitution of the United States. We live under the stars and stripes. The homes down there have the stars of the 48 States and the red and white of the Thirteen Colonies. They do not have the blue buzzard down there. You do not find it down there. They did not pay it any mind at all. They never did and never will. They are not going to pay this thing any mind either. If it is like the last one, and I assume it will be, we will not pay it any mind either unless we have to do so, and I do not think we will have to.

We are going to have law in Louisiana. You have passed a law telling our cities, which I got out of their financial difficulties—I paid them out of debt down there two or three times, some of them—and now you pass a bankruptcy law to let the mayor go into court and write off the honest debts of the city when we told them not to do it. We took the taxes off the cities so they could pay their debts. We paid their taxes out of a special fund of the State. Yet an infernal law is passed here in the Congress of the United States, a municipal bankruptcy law, saying to every municipality, "Do not be honest; do not be straight. This is all a mistake. Squander your money, throw it away, give it to the birds, do not pay any attention to business. Just have a good time and then go into court and get the court to wipe out all your debts, and then start out killing rats again."

An honest, honorable State like Louisiana would not stand for that kind of thing. So we passed a law down there that they could not do it. They had to pay their debts. The chinch-bug of Chicago, the Secretary of the Interior, gave out a statement that Louisiana was not a sovereign State because of the passage of that kind of legislation to make those municipalities pay their honest debts.

I shall continue to read this opinion.

Mr. GORE. Mr. President——

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

Mr. LONG. I yield for a question.

Mr. GORE. I should like to ask the Senator if he does not think this state of facts, which was brought to my attention this afternoon, justifies our insistence on this amendment providing that these appointees shall be confirmed?

An employee of one of the departments here in one of the bureaus sent me a message to insist upon the adoption of the amendment, saying that his chief is receiving $12,000 a year, unconfirmed; that his assistant is receiving $8,000 a year, unconfirmed; that the chief had attached a female relative to the pay roll, a former waitress, a perfectly honorable profession, who is now receiving $4,000 a year, unconfirmed.

Does not the Senator think the Senate ought to have an opportunity to investigate the fitness of those people before paying out of the Treasury and the taxpayers' pockets such lavish salaries as these?

Mr. LONG. I certainly do. I think there is more rascality of the kind the Senator mentions than he has any idea is going on. The statement which the Senator from Oklahoma makes would have astounded me a few months ago, but not now—$12,000! $8,000! $4,000! They are keeping us in session all night long; and does the Senator understand why we are in session? It is to keep the United States Senate from having the right to do what the law says it shall do, and that is all. The law says the United States Senate shall confirm certain people, and this outfit say they do not want us to confirm them; so we are here now fighting for the right to make them present these names to the United States Senate. They are trying to wear down the physical powers of the United States Senate. That is what they are trying to do.

It is the last stand for the Constitution. That is what it is. It is the last stand for the constitutionalists against the ransackers of the country in the bureaus and departments. We are trying to make a Senate out of the United States Senate. We are trying to bring back to this body the dignity and decorum and prerogatives which belong to it.

If I were given every job in Louisiana they could not get me to vote to do to the balance of these Senators like I have seen done to some of them. It would not make any difference to me, and I hope Senators believe what I am saying today. They could give me every job in Louisiana and I would not do that. I have had them. I gave them up for principle. I did not give up my principle to get jobs. I had the jobs. I was the lead-off man in speech making at the Chicago convention. We won on the original test vote for the Roosevelt forces. I was the national committeeman, the senior United States Senator. I had the job. I gave it up because I was a Senator as nearly as I knew how to be. I would not let them tell me I had to vote for the N. R. A. or the A. A. A. or the G. Y. P. or any of them. I gave them up.

The Senator from South Carolina [Mr. SMITH] made a statement the other day which has rung in my ears. He said that God made him a man long before he was ever made a United States Senator. That is a statement which appealed to me. I hope I can say that much myself. I hope I can claim that much for myself, that I was man enough, or had enough manhood of that kind in me, that I would not sell out my principle for a mess of pottage.

They cannot put any Jim Farley in the gallery to send me word how to vote. Oh, no. I have seen his kind before. I have seen his kind at the old poker games where I used to lose my money in the West. The first man I ever saw that looked like him was a peephole man. I have seen his type before. They put a man like that as the peephole man in the United States Senate to look through the door now and then, and poke his monstrous visage in here to scare the Senators. It was in the papers that he would be sitting in the gallery tonight to see how the boys vote.

The Senate of the United States! The Senate of the United States with a man like James Aloysius Farley making contracts and getting a lot of money for himself and his companies, giving away the stamps of the United States Government that were worth on the market hundreds of thousands of dollars, slipping around here and keeping the United States Senate from being a Senate. Stand for that kind of business? Do not forget, Senators, we are going to have an end to this business. Reform the Democratic Party and the Government will reform itself, or the people will reform it. I may be one of the missing number, but there will be more absentees around here some day than we have ever heard of, and I may be among them. There will be plenty of them missing some day. It will be like Goldsmith's deserted village except there will not even be a village left when the people get the straight of this thing, and they are getting it mighty fast.

Now I come back to the opinion:

The circuit court of appeals sustained the conviction on the conspiracy and on 16 counts for violation of the code, but reversed the conviction on 2 counts which charged violation of requirements as to minimum wages and maximum hours of labor.

New York City is the largest live-poultry market in the United States. Ninety-six percent of the live poultry there marketed comes from other States and three-fourths of this amount arrives by rail and is consigned to commission men.

Most of these freight shipments (about 75 percent) come in at the Manhattan Terminal of the New York Central Railroad, and the remainder at one of the four terminals in New Jersey serving New York City. The commission men transact by far the greater part of the business on a commission basis, representing the shippers as agents, and remitting to them the proceeds of sale, less commissions, freight and handling charges. Otherwise, they buy for their own account. They sell to slaughterhouse operators who are also called "market men."

The defendants are slaughterhouse operators of the latter class. A. L. A. Schecter Poultry Corporation and Schecter Live Poultry Market are corporations conducting wholesale poultry slaughterhouse markets in Brooklyn, New York City. Joseph Schecter operated the latter corporation and also guaranteed the credits of the former corporation which was operated by Martin, Alex, and Aaron Schecter. Defendants ordinarily purchase their live poultry from commission men at the West Washington Market in New York City or at the railroad terminals serving the city, but occasionally they purchase from commission men in Philadelphia. They buy the poultry for slaughter and resale. After the poultry is trucked to their slaughterhouse markets in Brooklyn, it is there sold, usually within 24 hours, to retail poultry dealers and butchers who sell directly to consumers. The poultry purchased from defendants is immediately slaughtered, prior to delivery, by shochtim in defendants' employ. Defendants do not sell poultry in interstate commerce.

The Live Poultry Code was promulgated under section 3 of the National Industrial Act.

This "Live Poultry Code" is printed here in 4-point type. It is very small type, and I am 41 years old, and I am not supposed to be able to read 4-point type. It all goes to show that by never paying any attention to these rules and regulations you are likely to have good eyesight for a long time; so I can read this 4-point type.

Before I get into that, however, I should like to tell Senators just how I preserve my eyesight. I seldom wear glasses. I read all I wanted to read, and I did not read too much. If my eyes got to hurting me, I just quit reading at the time, and waited a little while, and then later on I started to read again. I studied by lamplight and by firelight and by electric light, but I did not study too much. The trouble about Members of the Senate is they study too much. It is not going to do you any good to be smart and then be dead. [Laughter.]

There are a whole lot smarter men in the Senate than I am, but I am a liver man than they are. A dumb live man is a whole lot better than a dead smart man. Long years ago I found out that it was not going to do any good to get wise and not be here to give my wisdom any chance to live; so I saved my eyes. I saved all the various and sundry necessary functions that give me sight and give me hearing. I commend to the 94 learned Members of this body that if they will just move around among the people, and not get too far above them in learning and skill, they will do well.

For instance, a man stays here in the United States Senate. He learns so much that when he goes back home and begins to talk to a meeting of the country people, they do not know anything about what he is talking about. He has forgotten the kind of language to which those people are accustomed. That is the trouble. Then some old hillbilly comes out of the woods who understands their language, and licks the Senator to a queen's taste, because he got so smart that nobody understood anything about his smartness. It does not make any difference how smart you are; if the people cannot understand it, that is not going to do you any good. So I never get so smart but that the people know that I am pretty well acquainted with these matters, and thereby I save my eyesight.

So now, having explained that, I read this 4-point type with my 41-year-old eyes. I do not have to have any magnifying glass; I do not have any spectacles, or anything of the kind; I do not have to hold the print at any unusual or any close distance.

SEC. 3. (a) Upon the application to the President by one or more trade or industrial associations or groups, the President may approve a code or codes of fair competition—

That is the law. They said "the Recovery Act." I thought this was the code. No; I will go over to the other a little later on. That is not what I wanted. This is the act of the legislature—I mean, of the Congress. I have been accustomed to making mention of the legislature of my State, and by mistake I mentioned it instead of the Congress. I will write my letter of apology to the legislature tonight, and I now apologize to the Congress for making that mistake. [Laughter.]

The Live Poultry Code was promulgated under section 3 of the National Industrial Recovery Act. That section—the pertinent provisions of which are set forth in the margin—authorizes the President to approve "codes of fair competition." Such a code may be approved for a trade or industry, upon application by one or more trade or industrial associations or groups, if the President finds (1) that such associations or groups "impose no inequitable restrictions on admission to membership therein and are truly representative", and (2) that such codes are not designed "to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy" of title I of the act. Such codes "shall not permit monopolies or monopolistic practices."

They are supposed to put them all out of business, so that there will not be anybody there that they can monopolize against, and they did not, as I understand this thing.

As a condition of his approval, the President "may impose such conditions—including requirements for the making of reports and the keeping of accounts"—

I am going to skip a little bit there, because that is not important.

Now, let us see. Here is what they said:

The code fixes the number of hours for workdays.

I want to get down to this particular code, and the application that was made of it by the Court.

It provides that no employee, with certain exceptions, shall be permitted to work in excess of 40 hours in any one week, and that no employee, save as stated, "shall be paid in any pay period less than at the rate of 50 cents per hour." The article containing "general labor provisions" prohibits the employment of any person under 16 years of age, and declares that employees shall have the right of "collective bargaining", and freedom of choice with respect to labor organizations, in the terms of section 7 (a) of the act. The minimum number of employees, who shall be employed by slaughterhouse operators is fixed, the number being graduated according to the average volume of weekly sales.

Provision is made for administration through an "industry advisory committee", to be selected by trade associations and members of the industry, and a "code supervisor" to be appointed, with the approval of the committee, by agreement between the Secretary of Agriculture and the Administrator for Industrial Recovery. The expenses of administration are to be borne by the members of the industry proportionately upon the basis of volume of business, or such other factors as the advisory committee may deem equitable, "subject to the disapproval of the Secretary and/or Administrator".

The seventh article, containing "trade practice provisions", prohibits various practices which are said to constitute "unfair methods of competition." The final article provides for verified reports, such as the Secretary or Administrator may require, "(1) for the protection of consumers, competitors, employees, and others, and in furtherance of the public interest, and (2) for the determination by the Secretary or Administrator of the extent to which the declared policy of the act is being effectuated by this code." The members of the industry are also required to keep books and records which "will clearly reflect all financial transactions of their respective businesses and the financial condition thereof", and to submit weekly reports "showing the range of daily prices and volume of sales" for each kind of produce.

The President approved the Code by an executive order in which he found that the application for his approval had been duly made in accordance with the provisions of title I of the National Industrial Recovery Act, that there had been due notice and hearings, that the Code constituted "a code of fair competition" as contemplated by the act and complied with its pertinent provisions, including clauses (1) and (2) of subsection (a) of section 3 of title I; and that the code would tend to "effectuate the policy of Congress as declared in section 1 of title I."

Now, let us see. Here is what the Court said:

Of the 18 counts of the indictment upon which the defendants were convicted, aside from the count for conspiracy, 2 counts charged violation of the minimum wage and maximum hour provisions of the code, and 10 counts were for violation of the requirement (found in the "trade-practice provisions") of "straight killing." This requirement was really one of "straight" selling. The term "straight killing" was defined in the code as "the practice of requiring persons purchasing poultry for resale to accept the run of any half coop, coop, or coops, as purchased by slaughterhouse operators, except for culls."

In other words, you had to let the chickens come out, and take them as they came. If you wanted a yellow-legged chicken, and a buff cochin chicken came out, you could not have the yellow-legged chicken. "Nothing doing." If you wanted a pullet, and a rooster came out, you could not have the pullet. Down my way we are used to having frying-size chickens. A frying-size chicken is a yellow-legged pullet just about 9 inches high.

Mr. TYDINGS. Mr. President, will the Senator yield for a question?

Mr. LONG. I yield.

Mr. TYDINGS. Would it not be just as sensible to abolish the office of the Comptroller General, and have no check on the expenditures made by other branches of the Government, as it would be to abolish the senatorial privilege of confirmation, and have no check on appointments in the Government service?

Mr. LONG. Why, positively. What is the use of having the Comptroller General's office? That does not amount to anything. He only passes on small amounts of money compared to this thing. Yes; I say, in answer to the Senator from Maryland, we might as well abolish the Comptroller General's office. Why have any supervision over this thing? Perhaps some feel that "Just so long as we get our part of it, we ought not to complain." Talleyrand said:

> It is very difficult for one to see the evil of the way by which he prospers.

And there are many of us who might feel, if we did not watch ourselves, that if we get a good hunk of that money it does not make any difference to us whether the other man gets any or not, and we do not care whether we confirm his men or not, because we do not want him to confirm our men, either. But why not abolish the Comptroller General's office? We ought to couple with this act a provision abolishing the Comptroller General's office and every other regulating agency of the kind, because, if we think we are useless, why is not the Comptroller General's office useless in passing upon the kind of men who will expend this money?

A man who sells post cards, though, perhaps, he does not sell $2,000 worth of them a year, has to be confirmed by the Senate; but a man who hands out $150,000,000 or $900,000,000 does not have to be confirmed by the Senate. Why? Manifestly the powers that be do not want him subject to confirmation; I guess, in some cases, they are afraid to have him come up here to be confirmed. That is why they do not want it.

Referring again to the chicken-coop case:

> The charges in the 10 counts, respectively, were that the defendants in selling to retail dealers and butchers had permitted "selections of individual chickens taken from particular coops and half coops.

I want to read here. I do not believe any more definitions are given in a way a chicken has to be picked. The court goes into the law. That is all they say by way of describing the chicken-coop code. I will put this pamphlet in my pocket, though; I will take it home and I will read it tonight, although I do not need to read it, as some of my colleagues do. If any of my colleagues who have been voting for the N. R. A. want this pamphlet, I will give it to them, because they need it much worse than I do; because I voted against the thing, to start with; I know the law was no good from the beginning.

Mr. McCARRAN. Mr. President——

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

Mr. LONG. Yes, sir.

Mr. McCARRAN. For the purpose of a question, does the Senator realize that the matter now before the Senate is one that involves not only the law but the life of this country? Does the Senator from Louisiana realize——

The PRESIDING OFFICER. Does the Senator from Louisiana yield for two questions?

Mr. LONG. Yes, sir.

Mr. McCARRAN. I am going to propound questions to the Senator from Louisiana. Does the Senator from Louisiana realize that this matter is not one that involves the simple question of the national reconstruction policy in connection with the extension of the N. R. A., but does he realize that it involves more than that; that it involves——

The PRESIDING OFFICER. The Senator from Louisiana, if he is going to yield to the question, must give heed to the Senator from Nevada.

Mr. LONG. I was listening to the Senator.

Mr. McCARRAN. If the Senator from Louisiana does not care to give attention to my questions, of course, I will not propound the questions.

Mr. LONG. I was listening to them, I will say to the Senator.

Mr. McCARRAN. Then I will ask the Senator from Mississippi not to interrupt.

Mr. HARRISON. I was not interrupting.

The PRESIDING OFFICER. The Senate will be in order, as will also the occupants of the galleries. The occupants of the galleries have been repeatedly warned—and this statement includes everyone in the galleries—not to give any signs of approval or disapproval. If that rule shall be violated, the galleries will be cleared. The Chair will ask the attendants to watch those who demonstrate or express approval or disapproval and to escort them from the galleries.

Mr. McCARRAN. I respectfully suggest to the Chair that they not be photographed as they go out.

The PRESIDING OFFICER. The Chair has no control of photographers.

Mr. BARKLEY. Mr. President, I make the point of order that the last statement of the Senator from Nevada is not a question propounded to the Senator from Louisiana.

Mr. McCARRAN. I am propounding a question.

The PRESIDING OFFICER. The Senator from Nevada will proceed in order with his question.

Mr. McCARRAN. Does the Senator from Louisiana realize that involved in the question that is now before the Senate is that which was involved when the Thirteen Original Colonies saw fit to organize a Union, and in organizing that Union saw fit to say in the organic law that each State should be unto itself——

The PRESIDING OFFICER. The Chair will be forced to rule that the Senator from Louisiana withdraws his yielding unless he gives heed to the Senator from Nevada.

Mr. LONG. I am listening to every word.

The PRESIDING OFFICER. Yielding can be withdrawn at any moment.

Mr. LONG. I am listening.

Mr. McCARRAN. I am addressing my inquiry to the Senator from Louisiana in order that he may answer me, and I am sorry the interruption has occurred. I hope, however, to catch my thought. Does the Senator from Louisiana realize that this whole matter was involved in the preparation and presentation and augmentation of the organic law when that organic law was presented to the Thirteen Original Colonies?

Mr. BARKLEY. Mr. President——

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

Mr. LONG. I yield.

Mr. BARKLEY. I am rising to a point of order. I make the point of order that, under the guise of a question, no Senator has a right to deliver a dissertation on the origin of the Constitution.

The PRESIDING OFFICER. The Chair is of the opinion that the point of order is well taken.

Mr. GORE. Mr. President——

Mr. McCARRAN. I am making an inquiry.

The PRESIDING OFFICER. The Chair does not want to rule against——

Mr. GORE. I appeal from the decision of the Chair.

The PRESIDING OFFICER. Just a moment, until the Chair states his attitude. The Chair does not mean to rule that the Senator from Nevada cannot ask a question; but, the point of order having been raised, the Chair is of the opinion, from what has transpired so far, that the remarks of the Senator from Nevada do not involve a question in the parliamentary sense. If the Senator now wants to ask a question——

Mr. GORE. I appeal from the decision of the Chair.

Mr. McCARRAN. Will the Presiding Officer kindly guide me and inform me what the limitations are?

The PRESIDING OFFICER. The Chair is not here to instruct Senators.

Mr. GORE. I desire to appeal from the decision of the Chair.

Mr. LONG. Mr. President——

Mr. McCARRAN. Mr. President, under the ruling of the Chair, I am presenting——

The PRESIDING OFFICER. The Chair will again say to the Senator from Louisiana that unless he gives heed to the question that is being asked the Chair will rule that he has yielded the floor.

Mr. LONG. I yielded to the Senator from Nevada to propound a question, but the Chair has sustained a point of order against the Senator, and I think that the Senator from Nevada or myself, without yielding the floor, has the right to appeal from the ruling of the Chair. That has been ruled here this evening, and the Chair has ruled that it was a question then for the Senate to decide. I have only yielded for a question, but I want to ask the Chair, does the Chair hold that——

Mr. McCARRAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Chair will state that the Senator from Oklahoma desires to appeal from the ruling of the Chair?

Mr. GORE. Yes, sir.

Mr. LONG. I do not yield now.

Mr. GORE. I should like first to make a parliamentary inquiry.

Mr. McCARRAN. Mr. President, I rise to a parliamentary inquiry.

Mr. GORE. It has been ruled here before this evening that an appeal may be taken—I am propounding a parliamentary inquiry.

The PRESIDING OFFICER. The Chair will hear the Senator from Oklahoma.

Mr. GORE. I desire to propound a parliamentary inquiry. It has been ruled here this evening——

The PRESIDING OFFICER. There is one point of order pending, the Senator from Oklahoma having appealed from the ruling of the Chair. The Chair does not care to entertain another until that shall have been disposed of.

Mr. HARRISON. I ask for the regular order.

The PRESIDING OFFICER. The regular order is for the Senator from Louisiana to proceed in order with his remarks, unless the Senator from Oklahoma wishes to appeal from the ruling of the Chair.

Mr. GORE. I desire first to propound a parliamentary inquiry. I do desire to appeal from the ruling of the Chair, but before doing so I wish to put the parliamentary inquiry whether an appeal would terminate the speech of the Senator from Louisiana. It has been ruled otherwise this evening, but the rulings have been changed rather freely.

The PRESIDING OFFICER. The Chair has ruled only that the remarks the Senator from Nevada was making did not constitute a parliamentary question.

Mr. GORE. I desire to appeal from that ruling, because I thought it was certainly a question.

Mr. HARRISON. I ask for the regular order.

Mr. GORE. What I desire to know is the effect of an appeal from the decision of the Chair. I do not want to fall into a trap.

The PRESIDING OFFICER. The question is, Shall the ruling of the Chair stand as the ruling of the Senate?

Mr. McCARRAN. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCARRAN. On an appeal from the decision of the Chair and call for a quorum, does the Senator from Louisiana lose the floor?

The PRESIDING OFFICER. That is a hypothetical question which will be answered when it arises. The Chair does not feel it is necessary to rule on it until it comes up.

Mr. LONG. Mr. President, may I state, I have had the floor——

Mr. McCARRAN. I withdraw my question.

Mr. LONG. And I yielded to the Senator from Nevada to ask a question.

Mr. HARRISON. Regular order!

The PRESIDING OFFICER. The regular order is for the Senator from Louisiana to proceed, because, the Senator from Nevada having withdrawn his question, the appeal falls with it.

Mr. LONG. Very well. I just want it understood that there has been a changing of rulings very fast around here this evening. It does not look good.

The PRESIDING OFFICER. The Chair will state that the present occupant of the chair has not changed any ruling. The Chair merely ruled on what was the holding as to the question of the Senator from Nevada.

Mr. LONG. Without saying that anybody has ruled at all, I am going to ask the Chair and the Members of the Senate for fair play. I am going to ask the Senate to give me fair play, and that is all I am asking.

I am willing to stand here and discuss this matter as Senators wish it discussed; but the Vice President has been in the Chair, and has ruled that a Senator has the right to appeal from the ruling of the Chair, and that it does not take him off the floor to do it. That being the ruling, I wish to say to Members of the Senate that I hope, as the Senator from Oklahoma has said, that we will not fall into any trap or plot.

I ask only for fair play. I am a countryman, coming from the backwoods of Winn Parish. I have had very little experience in cities, and I want to be protected. I ask for fair play.

I have had very little out of this administration. It got my money and got my time and my vote, and about all I can ask of it is that it not change its ruling, that is all, between suns. I do not mind it changing tomorrow morning, but I want a ruling to stand the same during the same night. I just do not want it to be changed between sun up and sun down. I do not mind them changing it again after sun up, but I want it to stay the same during the day. Let us have fair treatment. That is all I want in this body. If I am given fair treatment that is all I am going to ask for. I may not be able to get fair treatment for the people, what I think they ought to have, but I ask for fair treatment in presenting the claims of the people while I am trying to get the wishes of my people respected. I am representing them the best I know how. They do not know of anyone in my State they would rather have right now than me, as is shown by the fact that I have not even an opponent. Senators can realize how badly afflicted my people are when they even have not a man running against such a representative as I am in this body.

With all the deploring that has been done the people have not even a candidate so that they can express a choice for someone else in the election that is only a few months away. So, with that kind of affliction on my people, I ask my colleagues to protect them in allowing me the customary ruling that was made in the beginning of the night.

I am like the old man, when the sun was in eclipse and darkness had spread over the earth, when shadow was shutting out all the light. The legislative body at that time, knowing nothing of the science of the eclipse and the sun and the moon, decided to take an adjournment because they thought that perhaps this sudden sign of darkness was the end of time, the end of the world. This old man said, "Oh, no. I do not know whether this is the end of the world or not. If it is the end of the world I would rather be found here doing my duty than anywhere else, even if this does mean the end of time."

It is only 9 o'clock, and 9 o'clock tomorrow will be early. We will be here at 9 o'clock tomorrow, probably. Years from today there will be great jealousy over the fact that Senators will be claiming that they were among those who heard my memorable speech. [Laughter.]

The PRESIDING OFFICER. The Chair has warned the occupants of the galleries heretofore, and will ask the attendants to see that those who are making audible demonstrations are removed from the galleries. The attendants will be held responsible for this. It is their duty to see that order is preserved.

Mr. McCARRAN. Mr. President——

Mr. LONG. I yield for a question.

Mr. McCARRAN. A parliamentary inquiry. In keeping with the ruling of the Chair, recently made, may I ask whether or not I may propound a question to the Senator from Louisiana without him losing the floor?

The PRESIDING OFFICER. The Senator from Louisiana, under the rules, has the right to yield for a question. If he yields for any other purpose he yields the floor.

Mr. LONG. I yield.

Mr. McCARRAN. Then I ask the Senator from Louisiana whether or not in keeping with the question before the Senate—and I desire to address my question in the entire atmosphere of the question before the Senate, and for no other purpose——

Mr. LONG. I hope the Senator will not state the question so fast that I cannot get it. Will the Senator please state the question slowly so that I can grasp it? [Laughter].

Mr. McCARRAN. I regret that sometimes I have to propound my questions just a little rapidly. I will not do so intentionally.

Does the Senator from Louisiana realize that at the time when our organic law was formulated there could have been no Union had it not been for the fact that all the States then existent, 13 in number, were guaranteed the right of government within their own sovereign statehood and within their own borders? Does the Senator from Louisiana realize——

Mr. LONG. A little bit slower; I want to get the question.

Mr. McCARRAN. Very well. Does the Senator from Louisiana realize that in keeping with the signing of the organic law there was a presentation by letter and by spirit in the organic law itself, the everlasting doctrine, that wherever there was a sovereign State, within that sovereign State there should be a sovereign government to control its internal affairs?

Mr. BARKLEY. Mr. President, I renew the point of order, that under the guise of a question, under the rules, the Senator cannot make a speech; and that he is not propounding a question within the meaning of the rule.

Mr. McCARRAN. I ask that the record be read back to see whether or not it is a question.

The PRESIDING OFFICER. The Chair does not see any occasion for reading the record back for his own information. The Chair heard what transpired.

The Chair does not regard the remark of the Senator from Nevada as being a question in the parliamentary sense. The Chair, therefore, sustains the point of order.

Mr. GORE. Mr. President, I desire to appeal from that ruling, but I wish to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Oklahoma appeals from the ruling of the Chair.

Mr. LONG. A point of order. Can that be done without taking me off the floor?

The PRESIDING OFFICER. It can be done without removing the Senator from the floor.

Mr. BARKLEY. I make the point of order. That question need not be decided now because if that procedure is followed the Chair will have to rule on it eventually.

Mr. LONG. Mr. President, he has ruled on it twice.

Mr. HARRISON. Mr. President, I make the point of order that the Senator from Louisiana cannot take his seat and rest while making a speech.

The PRESIDING OFFICER. The Chair will say that that question is not before the Senate, because the Senator from Louisiana is now on his feet.

Mr. TYDINGS. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. TYDINGS. Is it necessary for the Senator from Louisiana to hold his seat while the point of order is being debated? I do not think it is necessary for him to do so.

Mr. LONG. That is all right.

Mr. TYDINGS. While I am not a part of this filibuster, I think the Senator is entitled to fair play.

The PRESIDING OFFICER. The question is on the appeal of the Senator from Oklahoma [Mr. GORE].

Mr. ASHURST. Is that question debatable, Mr. President?

The PRESIDING OFFICER. Yes; the question is debatable.

Mr. TYDINGS. Mr. President, am I recognized?

Mr. LONG. How am I fixed, Mr. President?

The PRESIDING OFFICER. The Chair has not yet recognized any Senator.

Mr. TYDINGS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona desire the floor?

Mr. BARKLEY. Mr. President, I should like to be heard for a moment.

Mr. TYDINGS. I desire recognition, Mr. President.

The PRESIDING OFFICER. The Chair has recognized the Senator from Maryland; but, as the Chair understands, the Senator from Arizona is claiming the floor.

Mr. LONG. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Chair will state the situation. The Chair would have recognized the Senator from Arizona, because he was on his feet first.

Mr. TYDINGS. Is the Senator from Arizona recognized?

Mr. ASHURST. I desire only a moment.

Mr. LONG. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. LONG. The Chair has ruled that this appeal does not take me from the floor and is debatable, as I understand; so I now have no right to control the floor, as I understand the situation?

Mr. TYDINGS. That is true. The Senator can take his seat.

Mr. LONG. I take my seat.

Mr. BARKLEY. I offer a privileged motion, Mr. President.

Mr. ASHURST. I yield to the Senator from Kentucky.

Mr. BARKLEY. I desire to move to lay the appeal on the table.

Mr. ASHURST. Will the Senator from Kentucky withhold that motion? I appeal to the Senator to withhold it. All I wish to say, Mr. President——

Mr. LONG. Mr. President——

Mr. ASHURST. Mr. President, I have the floor.

The VICE PRESIDENT. Permit the present occupant of the chair to state the parliamentary situation. Will Senators please restrain themselves for a moment?

The Chair understands that the Senator from Oklahoma [Mr. GORE] appealed from the ruling of the Chair. The Chair also understands that the Senator from Kentucky [Mr. BARKLEY] moved to lay that appeal on the table. That motion is not debatable.

Mr. McCARRAN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McCARRAN. Does that mean that the Senator from Louisiana loses the floor?

The VICE PRESIDENT. In the Chair's opinion, it does.

Mr. LONG. I appeal from the ruling of the Chair.

Mr. GORE. I withdraw the appeal.

The VICE PRESIDENT. The Senator has that right.

Mr. GORE. I withdraw the appeal.

The VICE PRESIDENT. There is already one appeal pending.

Mr. LONG. Mr. President——

Mr. BARKLEY. Mr. President, a parliamentary inquiry. Can the Senator who makes an appeal from a decision of the Chair, after a motion to lay that appeal on the table has been made and is pending, withdraw the appeal?

The VICE PRESIDENT. He can withdraw it.

Mr. GORE. I withdraw it.

The VICE PRESIDENT. Does the Senator from Kentucky withdraw his motion to lay on the table?

Mr. BARKLEY. If the Senator from Louisiana has moved to take an appeal from the decision of the present occupant of the chair——

Mr. LONG. I have appealed from the decision of the Chair.

Mr. BARKLEY. I move to lay that appeal on the table.

Mr. GORE. I withdraw the appeal.

The VICE PRESIDENT. Senators, there cannot be two motions pending at one time. The Senator from Oklahoma [Mr. GORE] appealed from the ruling of the Chair. The Senator from Kentucky [Mr. BARKLEY] moved to lay that appeal on the table. That motion is not debatable.

Mr. LA FOLLETTE. Regular order.

Mr. McCARRAN. Mr. President, the Senator from Oklahoma has withdrawn his appeal.

Mr. GORE. I desire to withdraw the appeal.

The VICE PRESIDENT. The Senator from Oklahoma [Mr. GORE] withdraws his appeal. The Senator from Louisiana has the floor.

Mr. LONG. Mr. President——

Mr. BARKLEY. Mr. President——

Mr. LONG. I will not yield to the Senator from Kentucky for anything.

Mr. BARKLEY. I rise to a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. BARKLEY. I make the point of order that the Senator from Louisiana, having lost the floor twice on the same legislative day, is not now entitled to the floor for a third speech.

The VICE PRESIDENT. In the opinion of the Chair the Senator from Louisiana has not lost the floor, because the Senator from Oklahoma [Mr. GORE] withdrew his appeal.

Mr. BARKLEY. I am not speaking of that.

The VICE PRESIDENT. The Senator from Louisiana has the same rights now that he had before the Senator from Oklahoma appealed from the ruling of the Chair. The Senator from Oklahoma withdrew his appeal.

Mr. BARKLEY. I appeal from the ruling of the Chair on the question that the Senator from Louisiana has not lost the floor. The Senator from Maryland was recognized and he yielded, and the Senator from Louisiana was recognized; and certainly two Senators cannot occupy the floor at the same time.

Mr. LONG. Mr. President, a parliamentary inquiry.

Mr. TYDINGS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The present occupant of the chair will state that when those matters took place he was not present. He is informed by the parliamentary clerk that the Senator from Arizona [Mr. ASHURST] obtained the floor on a point of order.

Mr. ASHURST. That is true.

The VICE PRESIDENT. Of course, any Senator can rise at any time and make a point of order or a parliamentary inquiry, which does not take another Senator off the floor.

Mr. BARKLEY. Mr. President——

Mr. LONG. Mr. President, I have the floor.

Mr. BARKLEY. Mr. President, I desire to make a suggestion. It is my opinion that when any business is transacted which requires action on the part of the Senate that is business which takes the Senator off the floor. He is not required to yield the floor for any purpose. He can yield only for a question. If he yields to any Senator to make a motion or to take any action which requires a vote of the Senate that is business on the part of the Senate, which takes the Senator from the floor.

Mr. McCARRAN. Mr. President, a point of order.

Mr. BARKLEY. While I do not now wish to make that point and get a ruling on it, I do give notice that in the future I shall do so.

The VICE PRESIDENT. If the RECORD shows that the Senator from Louisiana has yielded to another Senator for anything but a question, it will result in taking the Senator from Louisiana off the floor.

Mr. LONG. I ask Senators to find any place in the RECORD where I yielded for anything except a question by the Senator from Nevada.

Mr. McCARRAN. I verify that statement.

Mr. BARKLEY. Mr. President——

Mr. LONG. I wish the Senator from Kentucky [Mr. BARKLEY] would let me alone until I make my statement. I not only declined to yield to Senators, but I asked the occupant of the Chair whether this parliamentary inquiry could be propounded without taking me off the floor. I said, "Could the appeal be made without taking me off the floor?" The Senator in the Chair at the time ruled that it could be made, and that it did not take me off the floor; that I had no control over that situation. It is the most unfair type of parliamentary practice to come in with these flimsy tactics.

Mr. BARKLEY. Any Senator who has the floor——

Mr. LONG. Mr. President, I do not yield, I ask the Senator from Kentucky to take his seat and listen, or else get out and let me talk.

Mr. BARKLEY. I will not take my seat until the Chair orders me to take it, and nobody else here can order me to take my seat or can compel me to take it.

Mr. McCARRAN. Mr. President, a point of order.

The VICE PRESIDENT. There are too many points of order being made. The Chair cannot keep up with all of them.

Mr. SHIPSTEAD. Mr. President——

Mr. LONG. Mr. President, I have the floor. I refuse to yield.

The VICE PRESIDENT. The Senator from Louisiana has the floor.

Mr. LONG. Let me alone. The situation is getting to the point where it is absurd. The action which is being taken on the part of some Senators endeavoring to take the floor away from me is absurd, Mr. President. Let us have order. Leaders are supposed to show decorum, and to set a good example.

Give a little fellow a chance. I have been speaking for 9 hours and 10 minutes endeavoring to explain my position on the bill and on the amendment which is now pending before the Senate. I warn Senators that I will only yield for a question. If one makes a parliamentary inquiry I cannot help myself. If one makes a point of order I cannot help myself. But I ask the Chair to protect me against such interruptions as when Senators rise and propound points of order and then urge that they have taken me from the floor thereby. It is up to the Senators who are supposed to be leaders here to protect these sacred rules and precepts of the Senate which have been in existence for a hundred and some years—how many years it is I do not know. I am setting an example for other Members of this body. I am keeping within the dignity and prescribed limits of decorum which Senators are supposed to hold themselves to in their conduct here. Those breaking the Constitution will also break the rules of the Senate, the Senator from Oklahoma [Mr. GORE] reminds me.

Now permit me to proceed. We are getting a better crowd here. The news has gotten around after 9 hours that I am making a marvelous speech, and I congratulate the Members of this body for having returned. Mr. President, I spoke here along about 6 or 7 o'clock to only 15 Senators. Look how many are here now. I shall instruct my Secretary, if he hears me now, to wire back home and tell my people that the crowd has grown to where there are now 42 Senators in the Senate seats listening to my speech on this subject. It is bound to be illuminating to have gained such support as that.

Let us be generous to one another here I beg the Senate. As the body which once had authority as a law-making body, before we abdicated, I beg of Senators to preserve about all that is left to recommend this body to the public, that is, our friendship one for the other, in a homogeneous body whose Members have regard for one another, or at least say they have whether they really have or not. Let us preserve that condition. Let us preserve that custom which makes every man call every other man a learned Senator whether he knows he is or is not. Let us preserve these sacred things that mean so much to the dignity of the greatest deliberative body in the world.

It is now 10 minutes past 9 o'clock in the evening. I hope that the Vice President remains in the chair tonight. Let us not change the rules tonight. Let us wait until tomorrow to change the rules. Let us have the thing understood. This gang rule business on the floor of the United States Senate looks bad to the outside public. They like to know

that matters are being considered here as they ought to be. If I could have a vote here now, I think every Senator present would say he has received some good out of the speech I have made here this evening. I should like to know if there is any man here who is not glad he has heard as much of my speech as he has, as far as I have gone.

The Senator from Mississippi [Mr. HARRISON] is not here now. He leaves promptly. He is afraid of the logic of my argument. He is ashamed of himself, I believe. He does not want to stay here and listen to my speech. I noticed him listening to me a moment ago with his head bowed, and he looked like he was having remorse of conscience after listening to what I said, so he went outside unwilling to listen any further, apparently. Senators cannot listen to this sound doctrine without becoming convinced. It is having its weight in the country.

Here is a book somebody laid on my desk and wants me to read. I do not know whether I shall have the time to read it. I do not know that I should acquaint my colleagues with it. If it is good for me to read it is good for my colleagues to read, so perhaps I shall read it to them. It is on the liquor problem. This book was laid on my desk by someone for me to read. I am not going to take the book home and read it by myself. I have only one copy of it. If it is good for me it is good for the balance of the people. If it is good for man, it is good for beast. It is entitled "The Liquor Problem and its Solution", but I am not going to read it now because it is not any part of the argument.

Mr. President, I demand order! I demand order! I demand order!

Mr. McCARRAN. Mr. President, I ask for order in the Senate.

The VICE PRESIDENT. The Senate will be in order, including the Chair.

Mr. LONG. At this point in the argument I want to get the resolution and read it. First, however, I want to read something else. My friend, the Senator from Arkansas [Mr. ROBINSON], is not here. He is over in Arkansas. He gave out a statement over there to the papers. He made the remarks I am going to mention here. I think in his absence I could do him no greater courtesy than to read his remarks on the floor of the Senate. He does not treat my remarks exactly that way, but he did pay me the courtesy of making a radio address about me a while back, so I am going to read these remarks of his after a little while. He spoke about the N. R. A. The Senator from Arkansas was visiting his home people and took occasion to tell the people down there what a bad thing the N. R. A. is. He did this while he was down home. It is showing the trend of things so well that I am anxious that other Members of the body should have the opportunity to hear what he said.

Here is the newspaper report I am going to read. But first, Mr. President, I demand order in the Senate.

The VICE PRESIDENT. Senators will kindly be in order.

Mr. LONG. I was wondering whether or not a parliamentary inquiry could not be directed to the Chair from the floor rather than by a Senator proceeding to the desk of the Vice President and submitting it in private conversation, which disturbs me. I want to have the attention of the Senate and the Chair. I want the Chair to listen to me. Under the rules of the Senate a Senator must address the Presiding Officer, and when I am interfered with by some Member of the Senate talking to the Vice President at his desk, that deprives me of my right to address the Presiding Officer.

The VICE PRESIDENT. May I say to the Senator from Louisiana that the Chair is not compelled to listen to the Senator. The Chair declines to listen to the Senator when he has someone else at his desk who is giving him some intelligent information. [Laughter.]

Mr. LONG. That may be so, but the Chair ought to look at me. Of course, I am looking at the Chair. The Chair cannot be hurt any more by looking at me than I am by looking at the Chair. [Laughter.]

Mr. President, let me get this matter straight. The Senator from Wisconsin [Mr. LA FOLLETTE] is on the rostrum talking to the Presiding Officer, who is the Vice President. I feel in my own mind that the Vice President ought to be listening to me. Does the Chair know why I have that in mind? It is because Wisconsin got $100,000,000 and I did not get anything for Louisiana. That is just one of the incidents that tells me the Chair is getting bad advice right now. When I read in the newspapers that they had given Wisconsin $100,000,000, I knew something bad was going to happen to me. I do not like to have that kind of advice being given to the Vice President right now. It makes me feel that something is wrong. I do not like it. I get fearful.

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

Mr. LONG. I will not yield except for a question.

Mr. ASHURST. I am going to ask the Senator this question. I should like for him to——

Mr. LONG. Mr. President, you have to get the question too.

Mr. ASHURST. I know.

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

Mr. ASHURST. For a question?

Mr. LONG. For a question.

The VICE PRESIDENT. For a question?

Mr. ASHURST. Yes; for a question. Will the Senator yield to me for 3 minutes provided he does not lose the floor?

Mr. LONG. Yes, sir; if I can do that without losing the floor I yield.

The VICE PRESIDENT. The Senator from Louisiana asks unanimous consent, if the Chair may be permitted to assist him——

Mr. LONG. Fine!

The VICE PRESIDENT. He asks unanimous consent that the Senator from Arizona may make a speech for 3 minutes and not take the Senator from Louisiana off the floor. Is there objection?

Mr. BLACK. I object.

The VICE PRESIDENT. Objection is heard.

Mr. ASHURST. I will say this, Mr. President. I am sure the situation could have been composed and we could have passed the bill and adjourned to go home in 5 or 10 minutes if there had not been any objection.

Mr. LONG. Mr. President, I thank my friend from Arizona.

Mr. ASHURST. Mr. President, I renew my request that I be allowed to speak for 3 minutes, provided the Senator from Louisiana does not lose the floor.

The VICE PRESIDENT. The Chair will put the request of the Senator from Arizona. The Senator from Arizona asks unanimous consent——

Mr. LONG. Wait a minute! It does not take me off the floor to put that request, does it?

The VICE PRESIDENT. If the Senator will permit the Chair to make the statement, he will find out.

Mr. LONG. All right.

The VICE PRESIDENT. The Senator from Arizona asks unanimous consent that he may address the Senate for 3 minutes without taking the Senator from Louisiana off the floor. Is there objection?

Mr. BURKE. I object.

The VICE PRESIDENT. Objection is heard. The Senator from Louisiana has the floor.

Mr. LONG. I thank my friend from Arizona for being on my side in this case and giving good constructive help in this matter. I am glad to say I agree with him.

I do not want my friend from Wisconsin or the Chair—may I have the attention of the Senator from Wisconsin?—I do not want my friend from Wisconsin or the Chair—may I have the attention of the Chair?

The VICE PRESIDENT. The Chair cannot compel the Senator from Wisconsin to give attention to the Senator from Louisiana, because that would be an unreasonable request of the Senator from Wisconsin. [Laughter.]

Mr. LONG. I have the highest regard for the Senator from Wisconsin, and the Chair knows I have an almost overwhelming regard for the Vice President, the President of the Senate. My regard for both is very high; and when I was protesting against the entente cordiale that was going on between the Chair and the Senator from Wisconsin a moment ago, I was undertaking to prevent myself from suffering parliamentary loss, because I did not feel that the Senator from Wisconsin was up there trying to do me any good; and unless he came past and told me he was, I was fearful of results. So I was just trying to protect myself from losing something when I was protesting against the Senator from Wisconsin advising the Chair. If it is all the same to the Senator from Wisconsin, I would rather he would move over here and advise me, rather than advising the Chair. I should appreciate it a great deal more.

Here is the Arkansas Gazette, Little Rock, Ark., Sunday, June 9—58 pages—six sections.

Senator concedes N. R. A. erred in past.

Now, you see there, Mr. President; if the Senator from Arkansas [Mr. ROBINSON] had listened to me, and the Senator from Kentucky had listened to me, and all these Senators had listened to me, they would not be back home apologizing to the people. They are back home apologizing to the people for the mistakes they have made.

I should like to have this entire article read from the desk by the clerk, if there is no objection.

The VICE PRESIDENT. The Senator from Louisiana asks unanimous consent that the article he sends to the desk be read. Is there objection?

Mr. BLACK (and other Senators). I object.

The VICE PRESIDENT. Objection is heard.

Mr. LONG. Very well. I will ask to have the article sent back. I have never seen such discourtesy since I have been in the Senate.

Senator concedes N. R. A. erred in past.

I have been here now for a little over 3 years, and the first thing I voted for when I came to the Senate was a motion made by the Senator from Alabama [Mr. BLACK]. That is the first thing I did. He made four motions, and I voted for all four of them, and he lost all four of them. Tonight the Senator from Alabama rises and objects to my simple request, after all I have done for him! I am astonished. I really would not have thought it; but I will talk to him. I am satisfied he is going to feel sorry for doing this.

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

Mr. LONG. I yield for a question.

Mr. BARKLEY. Will the Senator give us the name of the paper from which he reads, and the date?

Mr. LONG. The Arkansas Gazette of June 9, 1935. This is quoting the statement of the Senator from Arkansas [Mr. ROBINSON] back home. You see, Senators talk here one way and then they go back home and talk another way. A good thing about me is that I have only one language. I do not have to do a lot of explaining. It is better not to be nearly so smart, and then you can be a whole lot more consistent.

Senator concedes N. R. A. erred in past.

I will read that headline again. This is the headline of the article giving the statement made by the Senator from Arkansas [Mr. ROBINSON] in Little Rock, Ark.:

Senator concedes N. R. A. erred in past. Too many codes and complex regulations, Mr. ROBINSON says.

I told him that. He was offended here one day when I was describing to him all these complications and codes. Now he sees that what I told him was so. All the Members of the Senate some day are going home, and they will say, "The best friend I ever had was the Senator from Louisiana." Some day you will remember that, and you will regret the way you have treated me here tonight in undertaking to take the floor away from me and in not letting the clerk read this article when I asked that he might do so.

Some day you will regret it when you find out what a mistake you have made, how I tried to keep you out of trouble, and how you got into trouble. Your consciences will hurt you, and your actions will rise to plague you, and you will feel badly about what you have done in days to come, if somebody does not make you feel badly about it before then, just as my friend from Arkansas is trying to avoid it now.

They hear the rattle, you know. The campaign is coming. The boys are marching. Heigh-ho, the boys are marching! They are about to march to the polls down in Arkansas next year. The Senator from Arkansas is down there telling them what a bad thing the N. R. A. is. After voting for it up here, he goes home to tell them how bad the N. R. A. is. He would not have to be down there now if he had voted as I voted. He could have stayed right up here, and there would not be anybody to beat him in the State of Arkansas.

Now, I am going to read this article!

Senator concedes N. R. A. erred in past. Too many codes and complex regulations, Mr. ROBINSON says. Analyzes difficulties.

Now, get that! "Analyzes difficulties!" Do you get that? Do you get all of that?—

Analyzes difficulties.

Think of that! If we party leaders here had stood against the N. R. A., there would not have been any N. R. A. There would not have been any analyzing of the difficulties. There would not have been any explaining—nothing of the kind—if we had done what we ought to have done.

Now, I will read this article again, without interruption:

Senator concedes N. R. A. erred in past. Too many codes and complex regulations, Mr. ROBINSON says. Analyzes difficulties. Prevention of enforcement break-down recurrence among objectives of future policies.

Now, get that. I will read that headline again:

Prevention of enforcement break-down recurrence among objectives of future policies. Too many codes—

Listen to that Huey Long language, will you? Just listen to that good old gospel that came out of the mouth of the Senator from Louisiana, that you heard on this floor before they ever adopted this thing! Did I not stand right back there at the desk of the Senator from Massachusetts [Mr. WALSH] when they were adopting this thing, and tell them that they would have too many codes, and everything on God's living earth? Did I not stand there and tell them they would have 900 law books before they got through with it, and did they not say it was ridiculous and absurd?

Too many codes and attempts to regulate "relatively unimportant transactions"—

Just as I told them!—

complicated the administration of the National Recovery Act and resulted in "confusion and annoyance"—

Just listen to that language! Go back to the RECORD and see how many times I used the words "confusion" and "annoyance." Some day you will apologize to me yet. Other Members of the Senate will apologize to me for what they are doing right here tonight. They will apologize to me for the mistakes they are making. They will thank me for the extraordinary help I have tried to give them, and the attention I have been willing to show to them, to try to keep them from making these mistakes.

I have warned Senators in the past and I warn them now, Do not make these mistakes. Do not make them. Listen to me: Avoid this pitfall. Remember, you who will not hear; remember what Father Abraham said to Dives, the rich man, when he lifted up his voice and said, "I am suffering the torments of hell. Can't you send Lazarus down here to cool my tongue?" "No," said Father Abraham, "there is a wide gulf fixed between the living and the dead, that the dead cannot return to the living, and the living cannot go to the dead." Then said the rich man to Father Abraham, "Won't you send"—listen to me, Members of the Senate—"Won't you send Lazarus back to earth to tell my four brothers there of this torment of hell that I am in?"

Said Father Abraham:

No; they have got Moses and the prophets, and if they will not believe Moses and the prophets, they will not believe a man who has died and risen from the dead and come back to earth again.

And the Senator from Arkansas has gone back home, and the fires and torments of Arkansas are burning around his heels. You have the same prophet here now that he had then. I am trying to keep you out of trouble and you are insisting on getting into the same kind of trouble in which he now finds himself.

Let me read the statement which I started to read. If you will not listen to a prophet, whether he is a prophet or not, to whom will you listen? I think I was a pretty good prophet. I told all about this thing but you would not believe it. You are now warned. Here is the statement issued by the Senator from Arkansas who is back down there in the hot sands of Arkansas where the sweat is rolling and the powder is popping because of the N. R. A. He is explaining to them what a bad thing it is, and you will not listen to the voice that is coming up from the Gulf, "Keep out of this place that I am in now." I am here warning you, as I warned him here then.

Mr. President, I want to ask unanimous consent that this statement may be read at the desk.

The VICE PRESIDENT. The Senator from Louisiana asks unanimous consent that the clerk may be permitted to read the statement he sends to the desk. Is there objection?

SEVERAL SENATORS. I object.

Mr. LONG. Such discourtesies as this are just what get us into all this trouble. We ought to be courteous to one another in this body. It sounds to me as though more Senators objected the last time than objected the first time. Then, I myself will read the statement:

Too many codes and attempts to regulate "relatively unimportant transactions" complicated the administration of the National Recovery Act and resulted in "confusion and annoyance", Senator JOE T. ROBINSON said yesterday.

Difficulties of the N. R. A. have tended to prolong the session of Congress and have added to the problems confronting Senator ROBINSON as Senate Democratic leader.

They have not added to his problems at all; he is out of it all now; he is not even here to hear about it; he has "done flew the coop." He has probably got more important business. And it would not have to be very important business to be more important than fooling with the N. R. A. It would not have to be very important; that is, if he is trying to help pass the bill, for it is not important; it is just the other way.

This article continues:

He believes the present session will not end until late July or sometime in August.

That is good news, that Congress will be in session until August; that is good news for Members of the Senate. As the Senator from Virginia said, we never did enact the Wagner-Costigan antilynching bill; and unless we do enact the Wagner-Costigan antilynching bill, the Senator from Virginia thinks that it would be a bad thing for Senators to go back home, in view of the kind of measures they have voted for since they have been here, because the senior Senator from Virginia said he is afraid that they might be lynched, particularly if they provide revenue with which to pay the money they have voted. It is now 9:35 p. m. by the clock, but I will read on:

"The National Recovery Administration has been partially paralyzed by the decisions of the Supreme Court," he said, "particularly in relation to the power to enforce codes designed to protect unfair competition and to protect laborers against increased hours and reduced compensation."

COMMENT RELATIVE TO ENFORCEMENT TROUBLE

Regarding the number and complexity of the codes, Senator ROBINSON said:

"The best intentions generally have prompted the action of the administration of the act, but I feel it would have been better if comparatively few codes with simple regulations had been prescribed."

In other words, fewer would have been better, and none would have been better than a few. The statement here is the fewer the better, and less of the few would have been still better, and none would have been better than any, as I interpret the statement. Perhaps the Senator from Arkansas will give a different version when he returns. I would not read this statement tonight if I thought the Senator from Arkansas had a chance to get here. We ought to hold this measure up and give our leader an opportunity to get back. I would not even be reading this article tonight if I could help it. We ought to let our leader get back after he has gone home and see how he feels about this thing. He could tell us something about it, I am satisfied.

The enforcement of codes is, for the present at least, impossible.

What are you going to do with the N. R. A. Act, then?—

The enforcement of codes is, for the present at least, impossible—

He says.

What is the use of having another N. R. A. act, then? What is the use of having this N. R. A. skeleton thing we have here now if the enforcement of the codes is impossible? I think it is, as best I can understand.

The enforcement of codes is, for the present at least, impossible, because the Supreme Court held that the Congress attempted to delegate its legislative power to the Executive when it gave him latitude in supervising and imposing codes. This in time probably can be corrected, but to make the corrections in the most helpful manner the President feels it will be necessary to observe and take note of the results of the break-down of code authority.

Every lawyer knew before the decisions were rendered that the power to regulate interstate commerce vested in the Congress does not include the power to regulate business.

Then why did Senators not vote that way? The Senator from Arkansas says, according to this article, that "every lawyer knew that the power to regulate interstate commerce did not include the right to regulate business." Yet we enacted a law to do just the opposite. That is the trouble now. We know what we ought to do, but we do not do it. I think the Senator from Arkansas is probably right about that. In a lot of cases we just blind ourselves to what we ought really to do. I continue quoting from the article:

The power to regulate interstate commerce vested in the Congress does not include the power to regulate business which is carried on wholly within a State if it does not affect or interfere with the regulation of interstate commerce.

The difficulty of a practical nature which is outstanding in connection with the decision grows out of the fact that action by the 48 States is required to prevent unfair practices and to establish maximum hours and minimum wages. In those industries which are not within the regulatory power of the Congress but which, nevertheless, may compete in trade with those individuals and corporations which are subject to the congressional authority to regulate because they operate in interstate commerce.

I will not read the remainder of the article but will send it to the desk and ask that it be put in the RECORD, Mr. President.

The PRESIDING OFFICER (Mr. BLACK in the chair). Is there objection to printing the remainder of the article in the RECORD? The Chair hears none, and it is so ordered.

The remainder of the article is as follows:

"In spite of the difficulties which are only partially described here and the back-set which has resulted from the decisions, I believe the country is well on its way to recovery and will continue to move in that direction.

"EARLY ACTION ON SOCIAL-SECURITY BILL FORECAST

"The social-security bill is one of the large subjects for legislation. The House has passed this bill, the Senate committee has reported it and I expect it to be taken up in a comparatively short time.

"Sponsors of the legislation are convinced that it is only slightly, if at all, affected by the decisions pertaining to N. R. A. because the rules for executive action are clearly defined and that the power exercised in the main is the taxing authority rather than the power to regulate commerce which was involved in the decisions mentioned.

"SESSION TO CONSTITUTE SEVERAL WEEKS YET

"Daily I am asked by Senators and Representatives, as well as by others not directly connected with the Government, when the session will end. Some feel a sense of fear and anxiety while legislation is in progress. They hesitate to go on with business because they think it possible that new rules governing their conduct may be enacted thus creating confusion and uncertainty.

"It should be remembered that government in all the coordinate branches performs a continuous and progressive function which can never be completed in the sense that no necessity for changes in law or in policy will exist or arise. We will finish our task as soon as practicable, but this probably will not be before late July and it may not be before sometime in August."

TO RETURN HERE AFTER ADDRESS AT FAYETTEVILLE

Senator ROBINSON will leave Little Rock this afternoon to drive to Fayetteville, where he will address the graduating class of the University of Arkansas tomorrow.

He will return to Little Rock after the exercises in Fayetteville and plans to remain here Tuesday and Wednesday. He will return to Washington probably on Thursday.

Senator ROBINSON spent a busy day in the office of Grady Miller, his brother-in-law, in the Boyle Building. Visitors trooped in and out all day and often there were several in the other office waiting to interview the Senator. The telephone was kept busy, too, with calls from various parts of the State as well as the city.

Mr. LONG. I proceed here as matters come up in the best way possible. We do all we can. I have done all I could. If I have not done my duty in this matter, I should like someone to tell me what more I could have done. I have advised correctly. If I had been a blind guide that would have been bad, but I have advised my colleagues on what the law is. Nine judges out of nine of the Supreme Court have followed what I said. Whether they read it or not, they have found the same thing. I say, therefore, that I have not played the part of a blind guide. I have been a good friend. I have been what might be called amicus curiae to the Senate. I have done them good service. I have served them in their hour of need better than they knew. My advice has been sound; my intentions have been good; my logic has been irreproachable; my analysis of the law has been illuminating, and had the Senate adopted these views and listened to this logic it would have long before now avoided any of this confusion and disorder and saved its own life and saved the lives of others.

He who loses his life and does not do any good has nothing to brag about, and that is the trouble with what the Senate is about to do. It has destroyed its own life of usefulness as a legislative body. That is the condition.

Mr. President, as I was testifying here the other day, I have tried to convince my friends to do the right thing about this. I am asking my friends tonight to do the right thing.

As the illustrious Presiding Officer would say himself, I came into this body and did right from the start. I voted against Humphrey being confirmed as a member of the Federal Trade Commission the first session I was in the Senate.

I never tried to remove a man from office where the Supreme Court of Louisiana, if it passed on the matter, did not say I had a right to do it.

Do you want to hire a good lawyer? You have one if you only knew it. You have me here to tell you what the law is. You have me here to advise you without charging you a cent, willing to do it and glad to do it. I would volunteer my services as a personal attorney for any Member of the United States Senate and advise him what the law is.

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

Mr. LONG. For a question only.

Mr. McCARRAN. In keeping with my question, may I have a confirmance of the ruling that regardless of the question the Senator from Louisiana will not lose the floor? Am I correct?

The PRESIDING OFFICER. The Chair will not rule until the question is raised.

Mr. McCARRAN. It is raised now, in that I ask the Senator from Louisiana to yield for a question. Does he lose the floor in yielding for a question? That is a parliamentary inquiry.

Mr. LONG. That is all I yield for, a question.

The PRESIDING OFFICER. The Chair understands the Senator from Louisiana is yielding for a question, that he has already yielded in fact.

Mr. McCARRAN. Would the Senator from Louisiana agree to a rule or an amendment to the pending matter which would ensure that no appointment in any State shall be made except by and with the concurrence and approval of the Senate?

Mr. LONG. I should be glad to agree to that kind of a provision in the law; and I will be glad to yield to another question along that line if the Senator wishes to propound one.

Mr. McCARRAN. A further parliamentary inquiry. I may say that this is in keeping with the amendment offered by the Senator from Oklahoma. If the Senate could be assured that none but those within a State could be appointed to administer the laws, whether under new laws or under laws of former enactment, and that none appointed should be capable of drawing salaries except after confirmation by the Senate, would the Senator be content?

Mr. LONG. I should be very happy to see a law of that kind, very happy. If the Senator wishes to ask another question, I shall be glad to yield for one more question.

Mr. McCARRAN. Just one more; and if the Chair rules that it is not a question, I will desist.

Would the Senator be entirely in accord that those who have no residence in a given State to which they are appointed, and who could not find their residence if they were armed with a search warrant, should not be appointed to spend public moneys within the State to which they are appointed?

Mr. LONG. My opinion would be that they ought to be forbidden from serving. I have always contended for that, and that is one of the things they cannot defend in this present undertaking.

Mr. President, this is a very strange case, to my mind. It presents some strange features. The fact of the matter is that I do not see how Senators can justify standing here now and arguing against a provision requiring confirmation of these men. Some of the Members of the Senate have not always voted as they are voting now. I do not know why they have changed. None the less, they have a right to change if they wish to; that is up to them. They do as they please. It is all within the scope of their own intellects.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator yield to the Senator from Oklahoma?

Mr. LONG. I yield for a question only.

Mr. GORE. I desire to ask a question, and predicate it on what has already been said. I understand the Senator to mean that he believes any Senator has a right to protest against a carpetbagger being sent into his State from some other State.

Mr. LONG. That is exactly what I meant to say. Carpetbaggers were the cause of our fighting the Civil War all over again in the South, and our good friends from the North who come down there have to admit that our guerrilla warfare was the only means we had to save our civilization. We fought a second Civil War in our State to keep the scalawags and the carpetbaggers from coming in and running our South. Yet now the Senator from the State of Mississippi, who sits at the desk formerly occupied by Jefferson Davis, comes here and tries to keep us from having this provision in the law, which would compel the administration to submit the names of these men for confirmation so as to prevent a recurrence of the practices we had. He does not even want to let us go home and sleep and think the matter over. He holds us here and punishes us. He puts our feet to the fire, he bakes us, and he sweats us. He shows neither mental nor physical remorse for the kind of affliction with which he has condemned the Members of the Senate in trying to uphold the principles which have meant so much to our section of the country. Conscienceless, merciless, he holds us right here, and compels us to stay here fighting the war all over again to prevent carpetbaggers from seizing our section of this country.

Mr. President, I seem to have new inspiration. I seem to have been given the strength of the glorious statesmen of old. I seem to have been given strength. After having spoken here for 10 hours today, I seem to hear a voice that says, "Speak 10 hours more! Speak 10 hours more!" [Laughter.]

The Senator from Mississippi leaves the Chamber. He does not dare stand here and listen. He became conscience stricken. His head falls and he falters in the light of the realization of what this disaster means. He will change his mind before this thing is over with if he listens to me talk another hour.

Senators are beginning to change in this matter. They do not look as pert as they did a few hours ago. They have

begun to study the matter, and the questions present themselves in an entirely different light.

As I was saying, I am a lawyer by profession. I practice law for a living. I have resisted here the efforts of the Senator from Idaho to discourage the right to practice law because a man is a Member of the United States Senate. I did it for two reasons. One, because I thought it was a bad law; and second, because it would stop me from practicing law. I have said, and I say again, that I offer my services as a good lawyer to any Member of the Senate in need of legal advice on the constitutionality of these acts which are now being passed, and I will give Senators good references in my recommendations as I go along.

I say to the Senate that as Governor of my State I wrote hundreds of laws, and no law that I have ever written has ever been condemned by the Supreme Court of the United States nor by the Supreme Court of the State of Louisiana. I have written laws imposing taxes into the millions of dollars. I have rewritten the whole system of laws; laws for schools, laws with reference to taxes, laws with reference to education, laws for roads, laws for bridges, laws for contracts, all kinds of laws; laws on election, and every one of them has been upheld by the Supreme Court of the United States and the Supreme Court of the State of Louisiana wherever they have been called upon to pass upon them, and they have been called upon to do so in a great number of cases. That is one reputation which I present.

Then again I have been in the Congress of the United States, and I have advised Members of the United States Senate on the constitutionality of such laws as this N. R. A. law, and the courts have found out that what I was advising was correct, and, therefore, based upon my experience, based upon this record of almost perfection, I offer myself as the legal adviser without charge to any Member of the United States Senate who wants to be properly advised as to how he ought to vote on laws of this kind.

If he will listen to me he will seldom be sorry for the votes which he will cast in this body. In fact, he will be proud of it in days to come, because I will give him advice which, after he has made a study, he will find to be good, and it will protect him in the votes which he will cast, and he will get away from the blind gods that he has been following.

As I was saying a minute ago, every man has the right to do what he wants to do about these matters. Senators may not see fit to follow my advice. They may want to follow other legal lights and go right back and do just what they have been doing before. But if Members of the Senate will listen to me, they will quit all this folderol, and they will adjourn and sleep for 2 days.

Let us take an adjournment now until Saturday. Let me take the Senator from Alabama [Mr. BANKHEAD] off to one side and let us sit down together and be alone and reason this matter together for 3 or 4 hours and see if I cannot point out to him just exactly where he has been wrong, so that he will see it.

Let me have 5 or 6 hours' conversation with his colleague from Alabama and see if I cannot convince him of his errors in this matter.

Let me take my friend the Senator from Washington [Mr. BONE], and if he and I can go over this matter for a whole day, I believe I can convince him. I believe it will take that long. [Laughter.]

Mr. President, let me have time to reason this matter out a little, and by the time I have had a little time to reason with Senators I am satisfied we will have a better understanding here. The situation is due to a lack of association. I have been too busy to give Senators the benefit of my experience. I have had lots of legislation to do, lots of work to do, lots of politics, but I am free now. I would be able to talk to them about it. I would be able to give them the fundamental principles of arithmetic that 2 times 2 is 4; the same thing that you have been taught, that water cannot run up hill, that you cannot put an elephant through a keyhole. Things like that would soon solve this principle of N. R. A. and other things of that kind.

The Senator from Washington [Mr. BONE] looks as if he is about to propound a question to me. I do not know what it is about it.

Mr. BONE. I will come to that question a little later, Mr. President.

Mr. LONG. The Senator is reading a decision from the Supreme Court of the United States. I am surprised that he should be taking to reading decisions of the Supreme Court of the United States. All these things which the Senators are looking up now they ought to have looked up long ago.

Why not let us adjourn here until tomorrow morning and give the Senator from Washington time to read this book here and find out how he feels about this case? It is an imposition on the Senator from Washington not to give him time to read this book. Let us give Senators a chance to read the decisions of the Court and find out about the situation. Let us vote on the resolution tomorrow. Senators are not punishing me by not adjourning, but I plead for these innocent men here; let us not punish them. I appeal to the Senators in the name of these innocent men here who are deserving of better consideration, who are deserving of a chance to study the situation, and not to call upon them to vote before they understand the question. Give them a chance to study the question tonight, and tomorrow they will perhaps come back here with their minds fresh and their countenances aglow and some spiritual intellect will have injected itself into their votes, and the right thing, perhaps, may be done here in the Senate on this vote.

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

Mr. LONG. I yield for a question.

Mr. BARKLEY. Taking the suggestion of the Senator in good faith, would the Senator consent to a unanimous-consent agreement fixing an hour tomorrow morning not only for voting on the motion which is now pending, but for a final vote on the amendment of the Senator from Mississippi [Mr. HARRISON] to the amendment of the House?

Mr. LONG. Mr. President, the reason I cannot include anything but my own motion is that many of our Senators have gone for the evening. Many of them are in bed by this time, and are asleep, and I would not want to foreclose those who are necessarily absent, because we have a very bad quorum here tonight.

Mr. BARKLEY. Mr. President, will the Senator yield for a question?

Mr. LONG. I yield for a question.

Mr. BARKLEY. I understand, then, that the Senator is not willing to enter into any agreement fixing an hour for a final vote tomorrow on the joint resolution?

Mr. LONG. I could not do that, because I do not have that right.

Mr. BARKLEY. The Senator has a right to withhold objection to any unanimous-consent request which may be made.

Mr. LONG. I should like to have that question propounded to me tomorrow, because so many Senators have gone. Many Senators have come to me and said, "I am tired, and I am sleepy, and I do not want to stay here any longer." The Senator knows that all of them are not as young as we young fellows are, and some of them have gone home. Let us wait until tomorrow.

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

Mr. LONG. I yield for a question; yes.

Mr. BARKLEY. All the Senators here, and those who are not here, understand precisely what this is about. They have already voted on it. They know what the issue is. Why is not the Senator willing to enter into an agreement to fix an hour for a final vote tomorrow, at some hour which may be agreed to, on this entire proposition?

Mr. LONG. I have not that right, and I hope the Senator will understand my position. I must not be presumptuous. I can speak only for my own motion.

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

Mr. LONG. I yield for a question.

Mr. GORE. I should like to ask the Senator from Louisiana, and incidentally the Senator from Kentucky [Mr. BARKLEY], why it would not be practical for us to recess now until noon tomorrow. There are 4 more days left for the life of this measure before it expires. I have discussed the matter with several Senators——

Mr. BLACK. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. BLACK. Does the Senator from Louisiana [Mr. LONG] lose the floor when these remarks are being made?

The VICE PRESIDENT. The Senator from Louisiana yielded for a question.

Mr. BLACK. I call for the regular order.

The VICE PRESIDENT. If the Senator from Oklahoma has a question to ask of the Senator from Louisiana, he has the privilege of doing it.

Mr. GORE. Then I ask the Senator from Louisiana, if an agreement can be entered into to recess until tomorrow, with practical assurances that an effort will be made to arrive at an accommodation of this question, whether that would not be a practical thing for us to do? I do not believe the Senator would lose the floor.

Mr. BLACK. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. BLACK. I make the point of order that the Senator from Oklahoma was not asking a question.

The VICE PRESIDENT. The Senator from Oklahoma has taken his seat. The point of order is not now at issue.

Mr. LONG. Mr. President, I think we are too technical. I hope we shall not be technical. The Senator from Oklahoma is undertaking to do good for the proponents of the bill.

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

Mr. LONG. I yield for a question.

Mr. BONE. In view of the Senator's reference to the decisions of the Supreme Court and my own examination of a volume of Supreme Court reports, may I ask the Senator from Louisiana to read from volume 221 of the United States Reports the portion which I have marked, which is a statement by Mr. Justice Harlan, in reference to a decision of the Supreme Court which interpolated or wrote into the statute words which were not there?

Mr. LONG. I think I know what the Senator is asking me to read. It must be the decision in the antitrust case.

Mr. BONE. I should like to have the Senator read that into his speech.

Mr. LONG. I am very familiar with it. I will ask unanimous consent that I may accommodate my friend from Washington by having the clerk read the parts of the decision which have been marked by the Senator.

The VICE PRESIDENT. The Senator from Louisiana asks unanimous consent that the clerk may read a decision of the Supreme Court. Is there objection?

Mr. BLACK (and several others). I object.

The VICE PRESIDENT. Objection is heard from many sources. [Laughter.]

Mr. LONG. Mr. President, there is so much discourtesy here among Senators that I am actually astounded. I am surprised at the way they are treating their friends here. The Senator from Washington [Mr. BONE] voted with them this morning, and this is the way they treat him. It does not do him a bit of good to side with them. They will not even give him the respectful attention of letting him have a Supreme Court decision read at the desk by the clerk. I wonder how my friend from Washington feels now that he had to come to me for a courtesy, and I gratefully extended it, and put myself out of the way to do it, and the ones he lined up with this morning are unwilling to show him the slightest consideration.

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

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

Mr. LONG. I yield for a question.

Mr. BONE. Will the Senator read the extract as a part of his own speech?

Mr. LONG. No; I am not in the reading business here. I want to pick my own reading. I do not want to take up my time in that way, because I have not long to talk, and I do not want to waste my time reading this decision. I know what the Senator is talking about, and I can tell him what he handed me without reading it. Here is what the Senator handed me.

My fellow statesman from Louisiana, Chief Justice White, was the organ of the Supreme Court of the United States in the antitrust case. There had been four or five decisions of the Supreme Court of the United States in which they had held that the antitrust laws of Congress did not include any rule of reason, but that where there was a restraint of trade any restraint of trade was a violation of the antitrust laws. They held that four or five times. The Supreme Court of the United States held that any restraint of trade was a violation of the antitrust law.

In 1908 Mr. William Howard Taft was elected President of the United States, and he promised, or somebody promised for him, that the antitrust laws would be modified or repealed. After Mr. Taft became President of the United States there was introduced in the Senate a bill to provide that the rule of reason should apply—unreasonable restraint of trade instead of any restraint of trade. The bill was referred to the Judiciary Committee. The Judiciary Committee made a report, in which it said that ab initio—I wonder if the Senator from Washington knows what "ab initio" means? [Laughter]—that ab initio that law intended that any restraint of trade was a violation of the antitrust law. The Judiciary Committee reported against writing the common-law rule of reason into the antitrust law.

But about that time a vacancy occurred in the Chief Justiceship of the United States. Who did they appoint? They appointed a Confederate soldier from my State, Mr. Edward Douglas White; and all the magazines and all the press complimented Taft on what a magnanimous act had been done, that this Republican had appointed a Democrat, an old Confederate soldier, to the Chief Justiceship of the United States. We Louisianians felt pride in our hearts.

But why did they do it? That decision finally came out in the antitrust case in which Mr. Chief Justice Edward Douglas White wrote into the law what the Congress would not write into it, what five previous Supreme Court decisions held was not in it. He held in that case with a majority of the Court that "restraint of trade" meant an unreasonable restraint of trade; and we have had no antitrust law since that time to amount to anything. Justice Harlan wrote a dissenting opinion, in which he condemned and severely criticized the decision of Edward Douglas White.

Years ago they were erecting a statue to Edward Douglas White, the great Louisianian. I was asked if I did not want to start a move to have it placed in front of the State capitol of Louisiana and I said, "No, we do not. He was a most distinguished citizen, apparently, but there is not a question on God's living earth in my mind that Edward Douglas White was appointed Chief Justice of the United States Supreme Court to read the word 'unreasonable' into the antitrust law. He sat on the court in decision after decision when they did not put it into the law." I said, "Go ahead and erect your statue down in front of your own building." They put it in front of the courthouse and did not put it in front of the State capitol.

The Supreme Court makes mistakes. All men make mistakes. I never did feel that it was an honest thing that was done, and never will feel that it was. I feel that by that Supreme Court decision they legislated the antitrust law into the discard. But a Congress of the United States would not adopt a Huey P. Long amendment to undo that decision. I introduced in the Senate a bill to undo that decision. I introduced a bill which would have undone that decision. We have had a Republican administration and we have had a Democratic administration since I did that, but neither has done anything about it. The power evidently has been pretty well recognized.

Not only did they do nothing about it but this administration—and I want the Senator from Washington [Mr. BONE] to listen to me—annulled the antitrust law absolutely. This administration did what Taft did not dare to do; he could not do it. The Roosevelt administration did what Hoover could not do, and Hoover did not dare try to do it. This administration took the infernal N. R. A. and suspended the antitrust law. What are we fighting for here tonight? You, Mr. Senator from the State of Washington, are making this fight tonight to annul the Sherman antitrust law. That is what the N. R. A. fight is about tonight. That is the whole bug under the chip.

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

The PRESIDING OFFICER (Mr. VAN NUYS in the chair). Does the Senator from Louisiana yield to the Senator from Washington?

Mr. LONG. I yield for a question.

Mr. BONE. I wonder if any agency of the Government—the Senator is a good lawyer, and he will know—has done any more to rip the heart out of the antitrust law than the Supreme Court of the United States in the decision to which I have referred.

Mr. LONG. Yes; the present Roosevelt administration did a little better. They did a litte more.

Mr. BONE. Will the Senator yield again?

Mr. LONG. I yield for a question.

Mr. BONE. I should like to have the Senator discuss for us tonight—because we have plenty of time—what he thinks the decisions of the Supreme Court, beginning with the one I have mentioned, have done to the antitrust laws of the country, under which these vast combinations of capital have been created in the past 20 years.

Mr. LONG. I will tell the Senator what I think they did. I think that decision to a large extent emasculated the whole law, and I think when the Democratic Party got in it ought to have kept its word, and ought to have done something about it. But the Clayton Act of the Wilson administration was a further annulment of the antitrust law, and the Roosevelt administration absolutely killed the law, and it took Democrats to do it. It took a Democratic Chief Justice and two Democratic administrations to kill the antitrust law.

The Republicans did not dare try to do it. They had to use the gimlet tools of the Democratic Party to do it. They could not do it with the Republican Party, to save their lives. It took three organs of the Democratic Party finally to kill the antitrust law—yes, sir! "What do you think about that?" I should say, if I were allowed to say so, to my friend from the State of Washington. Nobody but the Democrats had anything to do with annulling the antitrust law, from the Supreme Court of the United States on down; and I desire to say that long before I met the Senator from Washington I proved how I stood on that matter, before I ever came to the United States Senate; and I have had considerable trouble with some of the high lights of Louisiana because of the open stand I took about that matter. I have had to pay to fight my way. It has been expensive for me to fight my way down in my part of the country. I have had to pay for my convictions. Out in the wide-open spaces in the State of Washington, where they did not have that kind of thing, those convictions were an asset; but down in my part of the country, when I came up underneath them, it was a liability for a man to have them in politics. Yet tonight the Senator from Washington and all the Democratic membership are making a midnight fight.

It is the only time you have ever been able to get them to sit during the midnight hours, and they are here to annul the antitrust law. They want the N. R. A. It is out of business; it is unconstitutional; but the only reason they have the N. R. A. here now is in order to annul the antitrust law. That is all they have it here for now, because as it goes out of existence they have no excuse to annul the antitrust law; and they are here tonight for no other purpose under God's eternal sun than to annul the antitrust law. That is what they are here for.

Oh, it is mighty hard to keep Senators away from these dinner engagements, and from these entertainments, and from these fine Washington hotels; but when it comes to this good old sound work that has to be done to keep the antitrust laws from coming back into life, they will stay up all night and two more nights to do a thing like that. Whoa there! Stay up here! You are called by the leaders and rulers of the trusts and overlords of the country to stand on guard for Mammon tonight. Stand on guard for Mammon! Children are crying, women are weeping, homes are impoverished, destitution sweeps the land, a handful of people have more money than 125,000,000 people. Something is liable to be done about it under the antitrust laws; and so the good old Democratic Party puts up the banner and says, "We are here! We are here to fight, to see that the antitrust laws do not come back on the statute books of the country!"

That is all that the N. R. A. ever was intended to do. They never did intend to do anything with it but kill the antitrust laws. That is the only thing they have done with it—to kill the antitrust laws. That is all they are doing. Do not say you do not know what you are doing. You are slaughtering the people in the house that they themselves own. That is what you are doing.

I am standing on guard tonight as the sentinel stood at Pompeii, trying to keep the Democratic Party from betraying one more promise it made to the American people. Yes; I will read the platform. I have the book here with the platform of the Chicago convention in it.

I will read from the platform before I get through. This platform is a mighty fine thing. It was forgotten a long time ago. We are here now to carry out this platform, or rather to see that the platform is carried out. We are here to embalm it and to bury it and to do away with it.

Here is the platform. Let me see. Where do we refer to the antitrust laws? It is in here. I will get it in just a minute. We advocated preserving the antitrust laws all right, because I remember reading it out in the convention. I was not on the resolutions committee. I went on the rules committee with another man because they wanted me to undo the two-thirds rule, and we were put on there to make the motion and undo the two-thirds rule. I went on that committee and got through the committee all right a motion to undo the two-thirds rule, but we could not get enough votes in the convention. Then we had to undo it; and then they ordered us to do it again; and finally we did it, and undid it again, and I finally got tired of that sort of thing.

Let me see—I am trying to find the anti-trust-law provision here. It is in this platform. We never said anything except that we would do that. I cannot find it now without taking too much time. I will read it after a minute. I will ask the Senator from Oklahoma [Mr. THOMAS] to find it while I am speaking; but we promised the people of the United States that we were going to have a better antitrust law. We were not going to do away with anything; we were going to have a better antitrust law. That was what we were going to do.

So we are here now. Why? Why are we here now? We are here now to try to put the N. R. A. through, and the big boys are in the galleries. They are afraid there will be an antitrust law tomorrow. Monday morning will catch them, and they will not have it wiped off the books; so "Hurry, hurry, hurry, and put the N. R. A. back on the books!"

What is the N. R. A.? The national racketeers' arrangement. [Laughter.] That is what they are talking about putting back on the books. N. R. A.—Nuts Running America. [Laughter.] N. R. A.—Never Roosevelt Again. [Laughter.] Put it back on the books! That is what they are trying to do, to put the antitrust laws off the books and put N. R. A. on the books.

Never did I think the time would come, when I followed the Democratic banner and held the Democratic precepts, when I should ever have to argue with Democrats about keeping

the antitrust laws on the books. I used to think the party amounted to something. Somebody wanted to know if I am a Democrat. Yes; I am a Democrat. I am still a Democrat. I have not quit the Democratic Party, and I have not quit the Democratic principles. I have not quit the Constitution of the United States. I am still a Democrat. I am a genuine Democrat. I am a Democrat who has remained a Democrat, even though the "brain trust" wants me to do something else.

Here is the provision of the party platform. What did we say about the antitrust laws in Chicago?

We advocate strengthening and impartial enforcement of the antitrust laws.

Can you beat that? We advocated strengthening and enforcing the antitrust laws. Do you strengthen them? Do you enforce them? No.

Senators come in here with a proposed new law to wipe them off the statute books because they say they are old, they are antiquated, they have not worked and they will not do any good, and it will not do any good to keep them. That is what has been done with them. A pretty thing! "A Daniel come to judgment." It makes me feel like reading a little from Scripture on this matter, from Ecclesiastes, in which reference is made to such things. I will read something from that book. Ecclesiastes comes in after Leviticus and Deuteronomy and Proverbs. It comes right after Proverbs. In this volume I have it is on page 862. Ecclesiastes was supposed to have been written by King Solomon. Many people have indicated that they are rather confused as to who wrote Ecclesiastes. Now what is the party name? Here is what the party name ought to have been:

A good name is better than precious ointment.

A good name—that is all the Democratic Party had the last time; it had only a good name, the good name that old Jefferson and Andy Jackson left; that is all it had; and the good name that William Jennings Bryan gave it. So we went out and used the only capital stock we had. We promised the people certain things we were going to do. We made them promises giving them to understand just what we would do and then we paid no attention to the promises. If I had the ability to do it, I should like to convince every Democrat in the Senate that the quicker we return to the ancient principles and do justice to the common element, the more surely will we get ourselves out of the morass of calamity and of all kinds of confusion, complications, difficulties, and complexities, messed up in every kind of disaster charged against the party everywhere, moping in the wilderness of confusion and nobody knowing what to do, everybody wondering what is going to be the next move and whether it is going to be possible to move, wondering just like a hen sitting on a nest and not knowing how many eggs she has under her, not knowing even what is there. Mr. President, a hen can count but one. That is something many people do not know. You can rob a hen's nest of a dozen eggs and leave one there and the hen will still go back and lay in the same nest. She does not know that the nest has ever been robbed. She can count but one. That is the way the hen operates. The guinea fowl, however, cannot even count one, but the guinea has the sense of smell, and you have got to take the eggs out of guinea's nest with a long-handled spoon so that the guinea cannot tell that some human hand has been there, or else the guinea will not go back to that nest and lay any more eggs. So long as you will take the eggs from the guinea's nest with a long-handled spoon the guinea will come back and lay eggs all the year; and so long as the prerogatives are taken from under United States Senators with a long-handled spoon they still think everything is all right. [Laughter.] Those desiring to deprive the Senate of its prerogatives have reached the long-handled spoon into the United States Senate and they have taken out every egg the Senate has got any right to hatch out. There is nothing left for the Senate to hatch; but they took the eggs from the Senate with a long-handled spoon, and Senators still think they have got some business being here.

We have no function to perform here tonight, or very little. Why are we here? Why does anybody want to remain here and spend his time? He would be better off at home. It would be better if he had never come here, putting difficulties and confusion in the way.

Mr. BARKLEY. The Senator does not mean for all time, does he?

Mr. LONG. Certainly.

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. Did the Senator from Louisiana yield the floor?

Mr. LONG. No, sir; I did not yield the floor. I was trying to be courteous to the Senator from Maryland [Mr. TYDINGS], who spoke to me. But let us fight this thing out while we have it with us. We are here at 10:30 o'clock p. m. They wanted to stay here, so let us stay. I have decided I do not want to go home tonight. [Laughter.] I have seen times when I felt worse than I do now, but I did not want to go home and did not dare to go home. [Laughter.] What is the use of anybody going home now? Where are you going to find any better company than this? There is not any better company than this. It is not costing anybody anything. If I could get home I should want to come right back here anyway. So I think we ought to stay here. We are all learning something—that is, everyone except me. I do not mind imparting information to others. Everybody else is learning something. The Vice President has just come back into the chair. He insists on listening to me after he has had an opportunity to escape quietly. That is the way these remarks are looked upon by people of intellect and learning; they appreciate this logic; and if the lesser lights in the Senate had the same appreciation that the greater lights have, we would get somewhere. That is what we need to do. Everybody needs to listen to me on this particular question and on other questions. He will make very few mistakes who will listen to me all the time. Of course, he might make one now and then, but not often. It is only in the rarest instance that a man makes a mistake when he votes exactly as I vote; but when anybody decides that he is going to go his own way and mess up things, then I am not responsible for it; but if he votes exactly as I vote he seldom has any regrets.

I hope Senators will more and more realize that to be the fact. Senators want to stay here. They want to listen to me. I do not see any reason why they should not be allowed to stay. It is only 10:30 o'clock. This is one of my usual speeches. I have spoken for 10½ hours today and I would not mind speaking 10 hours more. I make the assertion that I will be here speaking at 10:30 o'clock tomorrow morning. I expect to be here. Everybody will be here, I suppose, and, as I said, very likely every member of the Senate will in years to come want to claim he was here whether he was here or not. He will want to claim in years to come that he heard this speech tonight, that he listened to it, and that he abided by it. It is going to be worth something to the members of the Senate.

However, there is no need of anybody punishing himself, as I see it. We have been very nice about this matter. We have offered every kind of agreement on earth. But the others want us to agree to something that has not anything to do with the particular matter before the Senate.

They want us to take a vote. I am the only man who has had time to discuss the pending question before the Senate. Nobody else has had a chance to talk about it. They want a vote on it tonight. It is no time to vote. We have not the time. We ought to take more time to consider this matter.

Now we get back to Ecclesiastes, and I will read some more from Ecclesiastes for the benefit of the Senate.

(Mr. LEWIS passed by the Senator from Louisiana.)

Mr. LONG. Mr. President, I am always glad to look at the Senator from Illinois and it does not disturb me at all when he passes. I am one of the many admirers of the Senator from Illinois. I have greatly admired him for many, many years. A long time before he began to take my advice I

was taking his advice on important questions. I said to him the other day, "Senator LEWIS, I read a book you wrote on injunctions." He said to me, "I congratulate you." The Senator felt that my time had been well spent in reading a book he wrote.

I wrote three books later on and I sent the Senator from Illinois copies of two of them, and he stopped calling on me after that. [Laughter.] The Senator used to call around and pay me a visit every now and then until I reciprocated by sending him copies of a book I had written and he has never been around to see me since. [Laughter.]

I am going to read now from this Book of Ecclesiastes, chapter 8:

> Who is as the wise man? And who knoweth the interpretation of a thing? A man's wisdom maketh his face to shine and the boldness of his face shall be changed.
> I counsel thee to keep the king's commandments and that in regard of the oath of God.

I skip a few verses:

> All this have I seen and applied my heart unto every work that is done under the sun: There is a time wherein one man ruleth over another to his own hurt.

That is what I was trying to find.

> All this have I seen and applied my heart unto every work that is done under the sun: There is a time wherein one man ruleth over another to his own hurt.
> And so I saw the wicked buried, who had come and gone from the place of the holy, and they were forgotten in the city where they had so done: This also is vanity.
> Because sentence against an evil work is not executed speedily.

I am going to pause there just for that statement before going further into a discussion of the question before the Senate. I am going to say to the Members of this body what I think they ought to do tonight. If there is no objection from any Member of the Senate, I am going to advise this body what I think it ought to do from this time on for the balance of the night.

I think we ought to set this motion down to be voted on tomorrow at whatever hour is agreeable. That ought to be the first thing we do. I might withdraw the motion tomorrow after I hear the arguments against it. If any of my colleagues have any arguments against the motion, I should like to hear them. Those who are not going to vote for the motion should not retain their own wisdom within the cells of their own carcasses. They should give me the advantage of their information and knowledge and their ingenuity as to this matter. Let me know what compels them to vote the other way. It might influence me to change my mind. It might influence me to withdraw the motion; I do not know.

Let us have the thing in the open. Let everybody do the best he can for himself. Everyone will be the gainer, no one will be the loser, if this thing goes over a while.

I am astounded. We have been considering this matter for 10 hours and 35 minutes. Ten hours and 35 minutes have I stood here considering this matter with my fellow Senators. That is not a particularly long time. I would just as soon stay here and go 10 more hours if Senators feel like it, and if it is going to do anybody any good.

Let Senators decide that. If it is going to do good, let us stay. If it is not going to do any good, let us go. Let us decide the matter according to what is for the best. But do not think you are punishing me, because you are not. I am enjoying myself. I am having a good time. I want to stay here if anybody else wants to, just so I really know you like to stay here with me. If I felt that you were staying here against your will, and did not want to be here, it would make me feel bad. I do not want to impose my association on any Member of the Senate. But do not think you are imposing any hardship on me. I am having a good time—having a fine time. I am in "hog heaven" here discussing this thing. [Laughter.]

I would not like to have any one think that he is punishing me by punishing himself. I have walked longer than ten hours and a half, when it was pretty cold weather. Right down the railroad track I have walked ten hours and a half, and even longer than that. I have walked 18 hours and counted the ties. That is no trouble, and I know that anybody who can walk 18 hours can talk 18 hours. But I would not want to have anybody think that I am imposing myself upon those of lesser physical powers of resistance. When I see my colleagues here slumbering in their seats, going to sleep on me, I feel sorry for them; I feel that I am the cause of physical punishment and annoyance. It troubles my mind, and I want to acquit myself of any intention of that kind of thing.

Let Senators who are sleeping go home. Let them not stay here on my account. Let every Senator who is sleepy go on home. I beg every Member of this body who wants to throw himself into the arms of Morpheus to go home at once. I mean by the "arms of Morpheus", Mr. President, that whoever wants to go to sleep should go to sleep. Let every man here in the Senate who is staying here on my account go home. Senators do not need to stay here with me. I will be here 24 hours from now getting through with this conversation on this bill. Do not fool yourselves. Mr. President, I will be here a long time. Do not think I am being punished by this thing. I have only made my first speech. I am not yet through with my first speech. I have got another speech coming before this thing is going to be voted on. I am only on speech no. 1.

I am very much in the position that my uncle was in. My uncle was one of the best men who ever lived. He moved from Ohio down to Louisiana. He was a man who always gave his time up to other men. If he saw a man who was in trouble, he would lay down his own affairs and go help him out in his troubles. He knew a young man down in Louisiana who was a bartender, who did not know how to mix drinks, and in private conversation with the young fellow he found out that he was going to lose his job because he did not know how to mix drinks. My uncle went down to the place where he was working one morning and put his foot on the rail and said to the young man, "I am going to stay here with you until you find out how to mix drinks which the people like." And my uncle stayed there with him all that day until closing time that night, and directed him how to mix the drinks, and drank them until he found out that the young man had mixed them right. [Laughter.] He gave his time the whole day long to helping that young man. That is the kind of a reputation my family has. We have always given our time up to other people, and, if it will do anyone any good, we will stay here right now and advise the Members of this body along good, sound, constructive lines.

The Senator from Maryland, as I passed him, asked me in a rather low voice if there was any chance of the Supreme Court of the United States retaining me to give them any advice on the law. The Supreme Court could do worse than that, Mr. President. I gave the Supreme Court some advice on the law—whether they took it or not—the last time they had these cases up. I will tell the Senate what I did. I got that great American newspaper, the American Progress, that great newspaper of culture and thought and judgment. I persuaded the editor of that paper, after giving him the cost of printing the edition, to publish one of my great speeches in it, and I sat down and mailed to every Member of the United States Supreme Court a copy of that newspaper. I mailed a copy to the office of every Member of the Supreme Court and also to his residence.

I mailed to every member of the Supreme Court of the United States a copy of all my speeches for 3 months, some 17 speeches. Some of them were nearly as good as this speech I have made today. I sent them 17 speeches. I sent every member of the Senate a copy of that newspaper. I personally paid the subscription for every Member of the United States Senate in order that he might receive the American Progress.

The Senator from Kansas [Mr. CAPPER] runs some newspapers, but he never has sent the Senators copies of his newspapers free, as I did mine. I was not selfish about it. I was willing that everything I had advantage of should be shared by the other Members of the United States Senate and also by the Supreme Court.

I do not claim to have been responsible for the N. R. A. decision. But it was after the Supreme Court of the United

States, each and every member of it, had received free copies of my paper, that they rendered that wonderful decision on N. R. A. [Laughter in the galleries.]

The PRESIDING OFFICER. The Chair must admonish the occupants of the galleries that they are here as guests of the Senate. The Chair has been indulgent with the occupants of the galleries, but the Senate rules do not permit any expressions of approval or disapproval; and the Chair will request the occupants of the galleries to observe the Senate rules.

Mr. LONG. Therefore, Mr. President, I say that I do not claim all the credit. However, I have done my part. In the words of the Blue Eagle, "We do our part"; so I sent my paper to the members of the Supreme Court and to United States Senators. That is the best I could do. That is all I could do. And I did that, and that ought to suffice.

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

Mr. LONG. I yield for a question.

Mr. McCARRAN. Within the scope of the question before the Senate, and within the scope only of an inquiry addressed to the Senator from Louisiana, I wonder if the Senator has considered, in discussing this matter, and I wonder if he cares to discuss further at length, matters pertaining to the individual sovereign States, as regards those who have been heretofore appointed who do not belong to the sovereign States, or who have been transported from various sources to control the political life of the States.

Mr. LONG. My answer to that is "Yes."

Mr. McCARRAN. A further question, Mr. President.

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

Mr. LONG. I yield to the Senator from Nevada for another question.

Mr. McCARRAN. In view of the Senator's answer of "Yes" to my inquiry, I ask him if he will address himself, in answer to my inquiry, within the scope of the question now pending, to whether or not States other than Louisiana have been burdened with those who bear the stamp of "carpetbagger", coming from various sources and from various States, including the District of Columbia, and then, if I may go further in propounding my question, does the Senator from Louisiana realize that today we are apparently appointing such officers, so as to destroy the sovereignty of the respective States, which sovereignty was written in no uncertain terms into the organic law of this country?

Then I desire to ask the Senator from Louisiana a further question——

Mr. LONG. May I ask the Senator not to speak so fast?

The PRESIDING OFFICER. The Senator can ask only one question at a time.

Mr. LONG. I can answer them both; but the Senator is speaking too fast. I desire to get what the Senator is asking. I ask the Senator to talk a little more slowly, because I am trying to bear in mind just as much as possible what he said.

The PRESIDING OFFICER. Does the Senator from Louisiana yield further?

Mr. LONG. I yield for a further question.

Mr. McCARRAN. Does the Senator realize and does he understand that there never would have been a Government of the United States under the Constitution of the United States had it not been guaranteed to the respective States that they should govern within their own borders?

Mr. LONG. That is my understanding, beyond any question of a doubt—that the only way in the world we ever got the Constitution adopted was that every State was going to govern within its own border in all matters.

One of the great arguments made in Virginia was that they would have that Kentucky area governed by the Federal Government on account of the navigability of the river. The arguments were to the effect that every matter concerning the internal affairs of a State would be governed by the State. That is my answer to the question.

Mr. McCARRAN. Mr. President, will the Senator yield for a further question?

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

Mr. LONG. I yield further.

Mr. McCARRAN. In keeping with the answer of the Senator from Louisiana I wonder if the Senator would care to answer this further inquiry, which he may in his turn propound to the respective representatives of the Thirteen Original States, as to whether or not they ever would have come into the Union had it not been for the guaranty written in no uncertain terms into the organic law that they should govern their own internal affairs within their borders.

Then I want to ask this further question, which I think the Senator can answer.

The PRESIDING OFFICER. The Chair feels it incumbent upon him to state that under the rule of the Senate the Senator may yield for a question, but the Chair does not believe under the rule of the Senate that a Senator may yield for two questions at one time.

Mr. LONG. I will yield for another question unless I am supposed to answer the first one now.

The PRESIDING OFFICER. The Chair does not desire to take any advantage of any Senator and made the announcement for that purpose.

Mr. LONG. I am glad to yield. Will the Chair allow me to yield again to another question at this time?

The PRESIDING OFFICER. It is not a question of what the Chair allows. It is a question of the Chair's construction of the rules of the Senate. The Chair interrupted the Senator from Nevada to announce, so there could not be any suggestion of any advantage taken by any Senator, that under the Chair's construction of the rule a Senator may yield for but one question at a time.

Mr. McCARRAN. A matter of parliamentary construction and inquiry. Must that question be confined to one sentence or declaration? May it not be a hypothetical question?

The PRESIDING OFFICER. The Chair will not undertake to pass on the form in which any Senator shall propound a question, but in view of the parliamentary inquiries and the points of order which have been raised today, the Chair thought it a fair policy to announce that the Chair's construction of the rule is the Senator may yield for only one question at a time.

Mr. McCARRAN. Must that be a question of one sentence or may it be of two sentences?

The PRESIDING OFFICER. The Chair will not undertake to pass on that.

Mr. HARRISON. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The regular order is demanded. The Senator from Louisiana has the floor.

Mr. LONG. Mr. President, answering the question which has been propounded by my friend from Nevada, it is my belief, as a very close student of the Constitution and of constitutional questions, as one who has given hours of time to reading the Constitution and reading the debates over and about the Constitution by Madison and by Hamilton, by Patrick Henry and by James Monroe, as one who has studied diligently into constitutional history and the arguments pro and con affecting the Constitution, I state—Mr. President, what is that bug that just lit on my arm? At least I ought to be protected from the annoyance of bugs. [Laughter.]

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

Mr. LONG. I yield for a question.

Mr. McCARRAN. By any chance could that have been a chinch bug?

Mr. LONG. It looked like a chinch bug to me, very much like a chinch bug. [Laughter.] That is what I thought it was, as a matter of fact. It came in here and attacked me! [Laughter.]

I was just fixing to answer the question the Senator propounded. I was going to elucidate a little bit on the question. Here is what I was going to say. I would have said, if I had been back there in those days of 1783, 1789, 1796, and 1803, "We are not willing to travel all over the United

States to get authority to kill a chicken." Why, it got to the point where a man could not even pick one chicken instead of another chicken unless he came to Washington and got a special permit. He had to take whichever chicken came out of the coop. Down my way we would not eat half the chickens. We had lots of chickens in those days and times. Some of them we would not have for fries, some we would not have for broilers, and some we would not have to boil. A dumpling chicken——

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

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

Mr. LONG. I yield for a question.

Mr. McCARRAN. I wonder if the Senator will answer this question, if in keeping with his last expression regarding the utterances of Jefferson, in which the great founder of this Nation said,

> If we have to appeal to Washington as to when we shall sow and when we shall reap, sometime we will be without bread.

Mr. LONG. That is right. That is positively the truth. That is what happened, too. When they got to the point where they had to appeal to Washington, they did find they would be without bread, and were without bread.

There were more reasons than that. In 1803 Thomas Jefferson bought the Louisiana Purchase Territory. Thirteen States began to kick about it. Why? They said it would mean, if we took in that territory, that they would have more representatives in the United States Senate than the Original Thirteen States. That all came true. Those States embraced within the Louisiana Purchase Territory probably exercise a greater influence in national affairs today in some respects than do the Original Thirteen States of the Union.

Of course, as I have previously told this body, had they not purchased the Louisiana Territory we would not have had the State of Iowa and we would not have had the Senator from Iowa [Mr. MURPHY] here. We might have been able to do without him. We would not have had here the Senators from Kansas. We might have been able to do without them. We would not have had here the Senators from Oklahoma. We might have been able to do without them. We would not have had here the Senators from Missouri. We might have been able to do without them. But we would not have had the Senator from Louisiana here tonight if Jefferson had not bought the Louisiana Purchase Territory. I will leave it to the Senate what that would have meant to the country. [Laughter.]

Yes, sir; I will leave it to the impartial judgment of the Senate as to what it would have meant if Louisiana had not been brought into the Union. That is an important matter—the State of Louisiana.

Mr. President, I came near forgetting something tonight. I was giving the recipes 5 hours ago. It is now 11 o'clock. I was just going to say that I had one more recipe that I wish to get into the CONGRESSIONAL RECORD. One of my very most famous recipes is not in the RECORD. I want every man who buys the CONGRESSIONAL RECORD tomorrow or day after tomorrow to be able to get in one copy everything he needs to know about the Governement, if I can put it in the RECORD. In other words, I am writing a new textbook on government, and I am including in it a few of my favorite cooking recipes, so that I shall not be bothered and pestered by the people up here in the East who are constantly asking me to come around and show them how to cook these articles. I do not want to be said to be discourteous to these people. I do not want them to think I am selfish. I am willing that they shall know what I know.

I have already put into the RECORD the recipe for frying oysters, and the recipe for "pot likker." I wonder if we could not print these recipes as a Senate document and send them out separately. If we would print two or three million copies, Mr. President, and send them out, and give every Member of the Senate free a hundred thousand copies to send out, it would do an immense amount of good. It would do an untold amount of good. But I will put in my third recipe. I will wait until tomorrow—I have only an hour to wait, and I will wait until tomorrow—to discuss with Members of this body about whether or not there should be a separate Senate document to cover these recipes.

The third recipe I am going to give is on how to make Roquefort cheese salad dressing. There were only two men in the United States who understood how to make it, and I knew how to make it better than the other man, and the other man is dead, anyway [laughter]; so I will now give the recipe.

You take a quantity of cheese, say a pound. It depends upon how many people you want to make salad dressing for. Let us say there are three or four people. They ought not to consume over a pound of Roquefort cheese. You take that Roquefort cheese, and you take a fork. Do not take anything but a fork. Do not take a knife. Do not take a potato masher, or anything like that. That will not do the work. You take a fork, and you mash the Roquefort cheese into a consistency that is soluble. You thoroughly mash the cheese to a point where there is not an unbroken particle in it. Then you put in olive oil. For a pound of cheese you ought to put in somewhere around three tablespoonfuls of olive oil; but you cannot go exactly on the quantity by measurement. You have to be a good judge of cooking. You have to be able to tell when it is mixed to the point of a good consistency. You get that by experience. It gets to be a little bit fluffylike, spongelike; and you mix the olive oil until it is thoroughly mixed, well mixed. It takes a lot of stirring. Any good cooking takes a lot of stirring and lots of mixing. That is what I learned. You have to do lots of stirring and lots of mixing in any good cooking. It takes work to be a good cook.

When you have thoroughly mixed the olive oil with the cheese—it takes about 5 minutes of stirring—then you put in vinegar. If you put in the vinegar before the olive oil, or put in the olive oil before the vinegar, you will ruin the dish. You have to mix them in the right order. Then you put in about two tablespoonsful of vinegar; but, again, you cannot go by exact measurement. You have to put just as much as the cheese will dissolve, and as much as it appears to dissolve to make it fluffy and spongelike. So you stir the vinegar in very slowly. You must not stir it fast. You have to kind of gum it around a little bit, skim over it, until it catches up, and then mix it very slowly. Then, after it gets caught and begins to get spongy, you can stir it faster and faster and faster.

Then, after the vinegar, you put in Worcestershire sauce. I should say you would put in about a tablespoonful and a half; but again, as in the other instance, you put in what appears to be necessary to make it fluffy and spongelike, and of a consistency that appears proper to the sensible discretion of one who is educated in the culinary art. [Laughter.]

After that has been slowly stirred, and then stirred a little faster, you take strained lemon juice, and you put in about, I should say, three teaspoonsful of lemon juice. That thins it out a good deal. You stir it very fast from the start, so that it does not become clabberlike, so that it retains its liquid consistency; and then, when you have stirred it with the lemon juice, you put in paprika pepper. For an ordinary person's taste, you put in enough pepper to give it a fairly good red color.

Mr. President, when you have stirred that up thoroughly, you have the genuine Roquefort cheese salad dressing. It should be eaten with lettuce only. Roquefort cheese salad dressing should be eaten with head lettuce only. About a quarter and a half a quarter of a head of lettuce is about the proper portion for one person.

Mr. McCARRAN. Mr. President——

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

Mr. LONG. I yield to the Senator from Nevada.

Mr. McCARRAN. I inquire of the Senator from Louisiana what his recipe has to do with the recent declaration of the Executive as to the distribution of wealth through taxation?

Mr. LONG. It looks to me as if the President is coming back home again. He did come out for the share-the-wealth program the other day, but he does that every time he gets in bad. Every time he gets a set-back he announces he is in favor of the share-the-wealth program, so I was not surprised at his coming back home again. When things are looking dim and dark, that is a good plank to ride on until they get in.

Mr. McCARRAN. Mr. President——

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

Mr. LONG. I yield for a question.

Mr. McCARRAN. In view of the fact that the Senator from Louisiana has answered my last question, I wonder if he would care to discuss the President's view as to taxation of inheritances?

Mr. LONG. Yes; I will discuss that matter. I have said I will accommodate any Senator tonight on any point on which he needs advice or on which he thinks I can give him advice. [Laughter.] The President is said to have remarked—I do not know whether he said it or not—that he was for a redistribution of wealth. He had already said that many times. I see the newspaper which David Lawrence put out here called, I think, "The United States Weekly", says the President is on a share-the-wealth program. The facts are, I guess, that the President said he was for higher inheritance taxes and maybe for higher income taxes. I saw yesterday that it was stated the President did not say that; that he had been misquoted. Well, they usually say that. He comes out one day, and when things are looking mighty bad, in order to hold the hair and hide together, hollers out "share our wealth"; he out-Hueys HUEY LONG two to one. Then the next week they begin to yell and they begin to holler; it is all no good, it is radical, it is impossible. Mr. President, they may decide finally to yield sufficiently—and I think they will, so that maybe some day the income and inheritance levies will be raised, but those who should pay them will get around the law; the law will not amount to much. They never have let the law hurt them. Here is a statement to show 12 ways to dodge paying the income tax:

First. Permit profits to accumulate without distributing them;

Second. Make fictitious loans from corporations to individuals;

Third. Make fictitious gifts to members of one's family;

Fourth. Set up dummy corporations in foreign countries;

Fifth. Sell securities or other property that has depreciated in value in order to show a loss;

Sixth. Sell the property on the installment plan, with first payment of less than one-fourth of total value;

Seventh. Set up a fictitious family partnership;

Eighth. Deed over to members of one's family property that has appreciated in value;

Ninth. Set up a trust for the benefit of minor children, and then rob the trust fund later on if you need the money;

Tenth. Create a personal corporation—"Huey P. Long, Incorporated"; "Homer T. Bone, Incorporated";

Eleventh. Set up a dummy trust to liquidate the assets of a corporation; and

Twelfth. Purchase tax-exempt securities.

Those are just a few of the ways by which the taxes may be dodged. There are other ways besides those. The big taxpayers will not pay any attention to inheritance taxes. They never have. We never do get them; either way they go. When the time comes when we have nearly gotten them to where they cannot get out from under, they will set up a big hue and cry that taxes are too high and ought to come down, and they will get by with it.

Congress repealed the "pink slip" provision a few weeks ago. That was one of the very things we had with which to protect ourselves against tax swindlers. In fact, about the only effective thing we had was the right of the public to examine income-tax returns. They came here protesting, to this Democratic administration, and the reactionary Republicans joined hand in lock with the Democratic administration and repealed the publicity provision we had provided for income taxes. We did not get a chance; they killed it before they even saw us coming. That is how they do. Nobody gains except the big man.

Too much to eat and people continue to starve! If they think there is too much to eat, they burn it up; but there is not too much to eat. The United States Government ought to have a sensible mind. When the United States Government publishes a statement saying that every man ought to have so much to eat, and then, when one takes a pencil and paper and multiplies that by 125,000,000 people he finds that the most we ever have produced is about 33⅓ percent less than what the Government says the people ought to have. Then it goes out and burns up some of the things of which there is known to be a shortage instead of a surplus. They ought to be bored for the hollow horn, and they would be if they were in any other line. That is an old expression down in my section of the country—"bore for hollow horn." We used to bore a cow down there for the hollow horn.

Mr. GORE. I know what the Senator means.

Mr. LONG. The junior Senator from Oklahoma knows what I mean by that. We have bored them for the hollow horn. When a cow began acting funny in the head we would bore a hole in the horn and see what in the devil was wrong with the cow, and 9 times out of 10 that would be the trouble; she had a hollow horn.

Mr. ASHURST. In other words, tapped for simples.

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

Mr. LONG. I do.

Mr. ASHURST. I have finished what I desired to say.

Mr. LONG. The United States Government issues a table and says that every man, in order to keep from starving to death, must have so much to eat; and then when you multiply the amount each one should have to eat by the number of people in the country, you find that the most we have produced is one-third less than the Government says everybody ought to have to eat; and then they go out and burn up some of the two-thirds, instead of getting the other one-third and giving the people some money with which to buy it. I think the administration ought to be bored for the hollow horn, and, if I had my way tonight, I would bore Henry Wallace for the hollow horn before tomorrow morning; I would bore him for the hollow horn as sure as I live; that is what I would do.

Mr. GORE. You cannot bore a muley cow.

Mr. LONG. Yes; and he is a muley; that is what he is. He is from Iowa, but he is a muley. He has not even the Iowa look about him or Iowa western horns about him; he is a muley; and they never are any good. I never could make a muley pull in any wagon I hitched her to. The minute you had a muley cow hitched up to a wagon she never was any good. I do not know why it is, but a muley just is not any good, and never does work. You have got to have them with horns on if they amount to anything.

I should like to hear some Senator answer the statement I made a minute ago; I should like to hear some explanation of the statement of the United States Government, made by its own bulletin, issued under this administration or under Hoover, the same man in each of them. Mordecai Ezekiel was down there under the one and he is down there now under the other. He is the man who did all this fancy figurating.

He said that it took so much for every man to eat, so many pounds of dried fruit, 264 eggs in a year, I think it was—less than 1 egg a day for every man. When we added up all the eggs in the United States we found that, according to the bulletin issued by the United States Government, there were 30 percent less eggs than they needed in 1929, the same year when it was impossible to sell an egg, and they broke them up and threw them into the ocean and destroyed them in every other way because there was no such thing as a market for eggs. Yet the very year when we said we had so many hogs that they went out and killed several million pigs and killed all the sows so that the sows could not give birth to any more pigs, that very year, according to the

bulletin of the Department of Agriculture, there were 10 percent less hogs than we needed to feed the people the amount of meat which the bulletin of the Government said the people of the country would need if 125,000,000 people were fed that year. And with the bulletin showing 10 percent less meat in the country available for all the people than the people needed, the Government officials actually went out and slaughtered millions of pigs and killed the sows so that the sows could not give birth to any pigs the next year.

Bore them for the hollow horn? I would hang them—politically; that is what I would do with them. I would hang them. I would kick them out so fast you would not be able to see them for the dust.

Mr. President, I have learned a great deal in my life. I have learned that you cannot make a duck lay a hen egg. You cannot make it do it; it will not work. You cannot make an elephant change his traits. Whatever environment a man is created under it just stays with him, and I have just found out that it is impossible to make them understand here that they are creating a shortage, and there is no way to do any good with them. They never will be able to see and never will be able to change. That is the condition against which we are struggling.

If you do what the Senator from Oklahoma and I are trying to get done here tonight we would not have this difficulty; we would cure the situation. How? I do not say that the 95 Members of the United States Senate are so smart; but they are average men, at least. There is a system about it, and they would not dare to come in here and put the names up before us of the kind of simlin-headed manipulators in these bureaus and departments they have been choosing. They would not dare to have the practices they have been following examined here in the Senate, where the public has a right to be heard.

The Senate not only considers these questions of appointment, but the Senate gives the public a chance to be heard before the appointments are confirmed. There is more reason why the Senate should pass upon these appointments than just allowing Senators to be satisfied that the men are competent. When the Senate passes upon the appointment they give the public a right to be heard.

Take the case I had before the Finance Committee. The Finance Committee wanted to report the nomination of D. D. Moore, and they were going to report it, but they did not want to bring it up here in the Senate, and they preferred to let it go by the board rather than have the facts discussed in the Senate. Some of the facts in that case smelled too loud. That is why the public is protected and given a chance to be heard. So I say these reasons justify what we are pleading for.

Now, I come back to the question which has been propounded to me by the Senator from Nevada. He asked me about the declaration for an income tax and an inheritance tax, and I answer him in this way. I say that people get religion under various and peculiar circumstances, but none the less they are converted. Sometimes it may not take; it may take more conversions than one to stick, and I am not going to be discouraged at the number of times we have to convert the present powers in order to make the conversion stick.

I have often told about the time when a relative of mine was being baptized. He was a fellow who joined the church every summer. Whenever anyone held protracted meeting, he joined the church at that protracted meeting. If they did not have a protracted meeting every summer, they had the devil with him in the fall of the year. The only thing that would keep him straight at all was about 3 or 4 weeks of good hot sermons on hellfire and damnation, until they scared him up for 7 or 8 months, until the next meeting would come around, and he was always influenced by them.

It finally got to the point where they had to baptize him, and they finally did baptize him, baptized him half a dozen times. They led him out into the water, into the old milling bottom.

Mr. President, I digress to say that I have just been handed a note which says that some smart newspaper has just wired for my Louisiana oyster recipe. People will know how to fry oysters in the United States by this time tomorrow. [Laughter.] I will educate a million people how to fry oysters between now and tomorrow night, and they will know how to enjoy oysters. They have never known before.

To resume; they started to baptize my uncle out in the old milling bottom, and as they led him out there floated out of his pocket the ace of spades. [Laughter.] As he turned around and walked a little further the king of spades came out, then the queen of spades, and just as the preacher was ready to baptize him the jack and 10 spot of spades came out.

His wife was standing over on the bank. She became frantic and threw up her arms and she said, "Don't baptize him, parson. My husband is lost. He is lost." But the young son was sitting on the bank, and he said, "Hold on, Ma. Don't get excited. If he can't win with the hand he's got there, he can't win at all." [Laughter.]

Mr. President, I do not want any Member of the Senate to become excited. You have the cards in your hands. You can play them as you want to play them. You can play them to do good or you can play them to do bad. If you play them according to the Constitution, you cannot help but do good. If you play them against the Constitution, you cannot help but do bad.

There is only one sure lamp to guide our feet, and that is the lamp of experience. There is only one lamp to tell us what is going to happen in the future, and that is the lamp which shows us what has happened in the past.

Every time we have departed from the constitutional and ordinary prerogatives of this Government we have met disaster, we have met sorrow, and we have apologized to ourselves and to our people, and every time we have lived within the Constitution and gone according to the precepts and standards of this country we have had nothing to apologize for, and the country has gotten along pretty well somehow.

The only thing we have done here in these experiments is that the country is loaded down with debt, the country is loaded down with experiments, the country is loaded down with law, the country is loaded down with trials, and tonight the people hold up their hands and they beg you in the name of this country that if you cannot do any different from what you have been doing, adjourn this Congress and go home and do nothing. That if you cannot do something along standard lines, which mean improvement, that the time has come to do nothing and to adjourn and go home. That is what should be done unless we are doing to do something different.

You have the cards in your hands, you are excited, you are frantic, you holler, "The country is lost", when you have a hand with which you can win any game on earth if you will simply play according to the constitutional rules, so this country is not going to be led a way of fanaticism and experimentation in the wilderness which means a public debt and a private debt that can never be paid by the people of the United States. That is what we have got to do—go back to the rules of the Constitution and back to the ordinary things.

I hate to see the Senate lose so much time doing it. I have an idea that there will be an improvement in this body tomorrow. I think many Senators tomorrow will be much more equipped to act on these matters. I wish that we might come back in the fold after we have slept 8 or 10 good hours; I wish we would all go home and sleep and come back here tomorrow and let me make another speech of about 10 or 12 hours on these fundamental principles, and I believe we will all gain as much tomorrow as we have all gained today, perhaps, by listening to a discourse on these questions, and the sound doctrine that I have undertaken to expound here among the Members of this body.

The Senate, however, has begun to thin out again. There are not many Senators listening to me. There are only 20 Members of the Senate listening to this speech at 11:30 o'clock. Soon it will be midnight; 11:30 o'clock, and this small audience here listening to a speech of this consequence at this time of the night. That is what is discouraging about

it. That is why one would feel almost like giving up the effort and not trying to do any good when people do not appreciate what you are saying any more than that. It is discouraging.

However, I will say this for the Senators who are here, and the learned Vice President. The Vice President will be a candidate for reelection next year, and when it is found out over the United States that he is a man who sits here and listens to the speeches that I make, it is going to help him in this country. [Laughter.]

Now, getting down to less consequential matters. What ought to have been done here tonight was to settle this thing along the proper lines. We should have all signed up that we would come here and stick it out and we would work together. We would not have gotten up here and invoked a rule against somebody propounding a question to me. We would have been brotherly to one another. We would have allowed free action among everybody. Let everybody be heard. Let everybody ask questions.

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

Mr. LONG. I yield for a question.

Mr. TYDINGS. Does the Senator from Louisiana think the rule in Shelley's case is applicable to the situation which exists here?

Mr. LONG. The rule in whose case?

Mr. TYDINGS. In Shelley's case.

Mr. LONG. I have forgotten Shelley's case.

Mr. TYDINGS. That was the famous rule against perpetuities.

Mr. LONG. Yes. Well, that is further in arithmetic than I ever got.

Mr. TYDINGS. That is the law.

Mr. LONG. Oh, is that the law? Oh, the Shelley case! I will look that up tomorrow, and write my answer to the Senator, and put it into the CONGRESSIONAL RECORD. I am always very careful of what I answer, because I want to know what it is.

Mr. TYDINGS. May I ask the Senator a question, Mr. President?

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

Mr. LONG. I yield for a question.

Mr. TYDINGS. Knowing that the Senator is an eminent student of law, I wish to ask the Senator if he thinks the rule of res ipsa loquitur applies.

Mr. LONG. Now I will show how smart I am. Res ipsa loquitur, that means that the thing just speaks out. That is what it means in Latin, is it not?

Mr. TYDINGS. Yes.

Mr. LONG. I knew that. I could have passed an examination in it.

Mr. TYDINGS. Will the Senator yield for another question?

Mr. LONG. I yield for a question.

Mr. TYDINGS. Does not the Senator think the old Latin maxim of Scuto bonae voluntatis tuae coronasti nos likewise applies in this case?

Mr. LONG. Mr. President, I had another matter in mind which I desired to discuss. I will say that I am like the conqueror of Gaul. That is in a language almost not understandable. The tablets are not so easy to read. These are in a language which to me are the same as though I had found them in Greek. I am not able to answer them. The Senator from Maryland catches me at a great disadvantage. The reporter will not even get what I say.

What was I explaining at the time the interruption occurred? I now remember. What I was saying was that we ought to have been brotherly and neighborly and homogeneous. That does not mean anybody who is akin to the Senator from Washington. It is homogeneous—not Homergeneous; not HOMER BONE. We ought to have been friendly here tonight. In 11 hours and 40 minutes of discussion, such as we have had, twice as much good could have been done as has been done had we been friendly to one another.

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

Mr. LONG. I yield for a question.

Mr. TYDINGS. In view of what the Senator has just said, I should like to ask him this question: Quiere usted que oigamos a nuestras casas?

Mr. LONG. I guess that is Latin, too, is it not?

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

Mr. LONG. I yield to the Senator from Illinois for a question.

Mr. LEWIS. In view of the fact that the Senator from Maryland [Mr. TYDINGS] has presented a question in Spanish, in place of responding in Spanish, will not the Senator adopt the Greek and exclaim, "Zoe mou, sas agapo", taking his quotation from Byron's Maid of Athens?

Mr. LONG. Mr. President, if that means these appointees ought to be confirmed by the Senate, I agree. They ought to be. That is another reason why they ought to be confirmed by the Senate. There is hidden knowledge here which somebody does not know anything about.

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

Mr. LONG. I yield for a question.

Mr. TYDINGS. I should like to ask the Senator what the quid pro quo would be in a case like this to get this amendment adopted?

Mr. LONG. Quid pro quo?

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

Mr. LONG. I yield to the Senator from Illinois for a question.

Mr. LEWIS. I take the liberty of asking the Senator from Louisiana if he might not reply to the able Senator from Maryland in his elevated observation of virtute non verbis—"action; not words"?

Mr. LONG. That suits me! [Laughter.] Nux vomica vox populi! [Laughter.]

Mr. President, if we had had this kind of discussion going on all the time, all of us would have been learning. Everybody would have been better off. I would have had some good out of it. Instead of having to try to acquaint Senators with things that I knew, there would have been reciprocal advantage, and I would have been in a better position in the next few days to give my colleagues the benefit of the added information which I have accumulated.

However, what we ought to resign ourselves to do is to go home tonight and say, "This is the United States Senate." I say, let us go home. That is my invitation. Let us go home. Whosoever will, let him come. Whosoever will not, let him go. [Laughter.] That is what I would say. Let us go home, get out and go; rest, peace, ease, comfort. Imagine how marvelous it would be to lie down on a good Seely mattress at this hour. [Laughter.] Imagine how wonderful it would be just to lie there at ease and in comfort, with nobody to worry and nothing to think about—except my speech. [Laughter.] That is what ought to be done. Senators' minds are not fresh enough to grasp these technical points. [Laughter.] We are going at a rapid gait. Everybody should be willing to go home. Soon I will have contributed the best of my efforts for a period of 12 hours in this legislative Chamber. Soon I will have talked here for 12 hours doing the best I can for the benefit of mankind and my friends here.

The proof of the pudding is in the eating. The fact that Senators are here yet awake proves whether or not I have done something that is good. All are here. All are awake. I can remember when half the men of my day and time went to church half of them were asleep before the sermon was half over. Here Senators are tonight, brothers and descendants of the same kind of people, and they are all awake, wanting to stay awake unnecessarily when everybody ought to be asleep. Twelve o'clock midnight is time for people to be slumbering. People should be asleep. We should not be kept here. I think it is time to rest, time to think. When Senators rise tomorrow they will have a better understanding all the way down the line.

I am pleading for Senators to be sensible about this matter. If they want to wait awhile here and listen to me speak for another hour and then go home and get some sleep, I will speak another hour. If they want to listen 2 hours, let them listen 2 hours. If they want to listen 3 hours, let us make it

3 hours. But let us make up our minds whether we are going to sleep sometime. Do not stay awake unnecessarily. Do not penalize yourselves unless you can do some good by doing it. There is no use doing it.

I imagine many Senators missed the Shriners' march tonight. I would like to be in one of these parades myself. I do not belong to any lodge, but I always like to see the marchers of all the lodges. I do not belong to any lodge, but I am for them all. I am for all the lodges, and I am for all religions, in favor of every one of them. Sometimes it is a little close down in my part of the country—half Protestant and half Catholic. Sometimes somebody wants to pin a man down on a question that is a little bit close, but I am always for them all, and therefore I avoid any colloquy on these various scores. I believe in harmonizing the religions and harmonizing the politics as much as we can.

There is only one way we will ever harmonize the Senate. We have Republicans on the other side and Democrats on this side of the Chamber and we cannot harmonize them. Over on the Republican side we have progressive Republicans and reactionary Republicans who cannot be harmonized. Then we have Farmer-Laborites and Progressives and they cannot be harmonized. On this side of the Chamber we have Democrats and reactionary Democrats and administration Democrats and radical Democrats, and we cannot harmonize them. There is only one way we will ever be able to get going here and that is for everybody to submerge politics and listen to me. [Laughter in the galleries.]

The PRESIDING OFFICER. The Chair must admonish the occupants of the galleries again that they are here as guests of the Senate. Expressions of approval or disapproval are strictly forbidden by the rules. The rules have been more or less relaxed tonight in view of the long session, but from now on the Chair will strictly enforce the rule against expressions of approval or disapproval or of amusement in the galleries.

Mr. LONG. That is one way we can break bread around one table. Let us get around one table and break bread. All will be welcome. All will be received. Let us harmonize these little inconsequential differences of political opinion. I would bend any effort I could to bring about that result in this body. It may never be done, but I shall do my part toward it.

Mr. President, I was named the national candidate of the Farmer-Labor Party for President of the United States in 1932. I was officially named by the official National Farmer-Labor Party. Before accepting that nomination I walked over to the Senator from Minnesota [Mr. SHIPSTEAD], the only member of the party in this body, and said to him, "I am the leader of your party." I did not say to him exactly that I was his boss, but that is what I meant by it [laughter]—that thenceforward he would follow me. But the only member of the party repudiated the leader of the party there and then and refused to stand by his own party.

How can I build up the Senate with things like that taking place? I declined the nomination of the National Farmer-Labor Party because if I was not going to gain anybody what was the use of having the nomination? It added nothing to our strength. We cannot find out who is the Farmer-Labor Party, we cannot find out who is the Democratic Party, and we cannot find out who is the Republican Party.

The Republicans had a "grass roots" convention and some other kind of a convention. The Democrats had a young men's convention and an old men's convention, and the young men's convention ran the Roosevelt people out of the convention, and they went and held another convention over in Texas, and got in a general jamboree, and nobody knows what they have finally wound up by doing or not doing. The first thing you know, the treasurer of one of these parties will run off, and it will be a disaster to the party, because there is nothing in the world that will break up a society like the treasurer disappearing. [Laughter.] Something like that is going to happen to one of these parties before you know it.

Mr. McCARRAN. Mr. President——

Mr. LONG. I yield for a question to the Senator from Nevada.

Mr. McCARRAN. I wonder if the Senator from Louisiana would be willing to yield for an inquiry that might come—I hope it will come—from those who now occupy the floor of the Senate as leaders, looking to a solution of the question now before the Senate.

Mr. LONG. I will yield to any respectable suggestion to dispose of this question at an early date.

Mr. McCARRAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield, and, if so, to whom?

Mr. LONG. I yield to the Senator from Nevada for a question.

Mr. McCARRAN. I wonder if the Senator from Louisiana would be agreeable if there might be a meeting of the minds of the respective divisions of the Senate looking to a solution whereby the Senate might recess.

Mr. LONG. I should be willing to recess. I think we ought to recess. I was hoping that we would.

Mr. McCARRAN. Mr. President——

The PRESIDING OFFICER. Does the Senator yield further?

Mr. LONG. I yield for a question.

Mr. McCARRAN. May I make a statement preliminary to my inquiry? I ask that as a parliamentary inquiry.

The PRESIDING OFFICER. The Chair is of the opinion that the Senator from Louisiana cannot yield for anything other than a question; and the Chair feels himself bound under the rules not to recognize the Senator from Nevada for anything except a point of order or a parliamentary inquiry.

Mr. McCARRAN. Very well. Then, first of all, may I make the parliamentary inquiry if it might be possible, in keeping with the history of this body during the past nearly 12 hours, to have a leadership here to guide us out of this situation? Would it be possible to promulgate——

The PRESIDING OFFICER. The Chair is of the opinion that the Senator has not propounded a parliamentary inquiry.

Mr. McCARRAN. I beg your pardon, sir. Then I will propound a question.

Mr. HARRISON. I ask for the regular order.

The PRESIDING OFFICER. The regular order is demanded. The Senator from Louisiana has the floor.

Mr. McCARRAN. Mr. President——

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

Mr. LONG. I yield for a question.

Mr. McCARRAN. I now propound a question to the Senator from Louisiana, and I do this in keeping with what I hope will be the outcome. Will the Senator from Louisiana yield so that if there be a leader in this body he may have a concourse and an agreement that this entire situation may terminate, with an agreement to go on tomorrow?

Mr. LONG. Mr. President, I can only answer for my part. I am prepared to keep going until tomorrow. I shall be prepared to agree on a recess and meet again tomorrow.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Kentucky.

Mr. LONG. I yield.

Mr. BARKLEY. Repeating my assumption, expressed earlier in the evening, that the Senator's suggestion is made in good faith, will the Senator agree to fix an hour on tomorrow at which time we may vote on the pending motion, and an hour at which we may vote finally upon the joint resolution now before the Senate?

Mr. LONG. Mr. President, I have not the right to make that agreement.

Mr. GORE. Mr. President——

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

Mr. LONG. I yield for a question to the Senator from Oklahoma.

Mr. GORE. I should like to ask the Senator if an arrangement or understanding could be arrived at, a sort of gentlemen's agreement, by which the amendment offered by myself could be detached from this joint resolution, and could be attached to the social security bill in substantially the same form, with a few minor changes which I myself think ought to be adopted, with a gentlemen's agreement that the Senate conferees would not allow it to go out of the bill until the Senate itself had voted directly to eliminate it.

Mr. HARRISON. Mr. President, will the Senator yield for a statement? It would not be a parliamentary inquiry; but I ask unanimous consent, without taking the Senator from Louisiana off the floor, to answer the question of the Senator from Oklahoma.

The VICE PRESIDENT. The Senator from Mississippi asks unanimous consent that he may make a statement in reply to the Senator from Oklahoma, without taking the Senator from Louisiana from the floor. Is there objection?

Mr. BLACK. Reserving the right to object, I have no objection if the time of the statement is limited.

Mr. McCARRAN. Just a moment, Mr. President. Under the rulings heretofore made, the Senator from Louisiana would lose the floor?

The VICE PRESIDENT. He would.

Mr. HARRISON. I withdraw the request, and ask for the regular order.

The VICE PRESIDENT. The Senator from Louisiana has the floor, and he can yield to a Senator only to ask a question.

Mr. LONG. Is there any objection to the Senator from Mississippi making a statement? I have heard no objection.

The VICE PRESIDENT. The Senator from Nevada asked a question which was tantamount to an objection.

Mr. LONG. I do not think the Senator from Nevada intends to object. Perhaps we can get together. I ask unanimous consent, without losing the floor, that the Senator from Mississippi be permitted to make his statement.

Mr. BLACK. I object.

The VICE PRESIDENT. The Senator from Louisiana asks unanimous consent, without taking him from the floor, that the Senator from Mississippi be permitted to make a statement. Is there objection?

Mr. BLACK. I object again.

The VICE PRESIDENT. The Senator from Alabama objects. The Senator from Louisiana has the floor.

Mr. McCARRAN. Mr. President——

Mr. LONG. I yield for a question to the Senator from Nevada.

Mr. McCARRAN. I wonder if the Senator from Alabama is entirely content to go on.

The VICE PRESIDENT. Is the Senator now yielding for a question?

Mr. LONG. Yes, sir; for a question.

Mr. McCARRAN. For a question only.

The VICE PRESIDENT. That is the only thing for which the Senator can yield. If the Senator yields for any other purpose, he loses the floor.

Mr. LONG. I do not.

Mr. McCARRAN. And I do not propound anything save and except a question.

The VICE PRESIDENT. The Senator will state his question.

Mr. McCARRAN. All right. I wonder if the Senator from Louisiana would object to any suggestion which might be made to him as to a reconciliation and an agreement that might be arrived at. I say that in all fairness. I say it that we may get out of here.

Mr. BLACK. I call for the regular order.

Mr. McKELLAR. Regular order!

The VICE PRESIDENT. The Senator from Louisiana has the floor. He can answer the question of the Senator from Nevada if he sees fit to do so.

Mr. LONG. I wish to make my speech. I desire to answer both my friend from Kentucky [Mr. BARKLEY] and my friend from Nevada [Mr. McCARRAN]. We not only have here this joint resolution, but we have the amendment offered by the Senator from Idaho [Mr. BORAH], the antitrust-law enactment; and I wonder how my friends will consider accepting that amendment.

Mr. McCARRAN. Mr. President——

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

Mr. LONG. I yield for a question; yes, sir.

Mr. McCARRAN. For a question only. Does the Senator from Louisiana realize that he is now being held on the floor by an objection coming from the Senator from Alabama, which objection entirely precluded the possibility of an agreement here?

Mr. HARRISON. Mr. President, I ask for the regular order.

The VICE PRESIDENT. The regular order is that the Senator from Louisiana can answer the question.

Mr. LONG. My understanding is that the Senator from Alabama did not wish to have the Senator from Mississippi allowed to say anything, and I am very sorry for that. I rather resent it, but I cannot do anything about it. I think the Senator from Alabama will let my friend from Mississippi speak if he desires to do so; and I am going to appeal to my friend from Alabama not to be too hard against his colleague from Mississippi. If he wishes to make a statement, let him make a statement. It will not hurt anything. Be generous. Be charitable. It will help us all.

What are we going to do about the antitrust amendment of the Senator from Idaho? Is that going to be accepted on this joint resolution? I should like to find out.

Mr. HARRISON. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Mississippi for a question?

Mr. LONG. I do.

Mr. HARRISON. If the Senator will yield the floor, he will have plenty of opportunity to take the floor again, of course, and it may be possible then that we may get together on some proposition.

Mr. LONG. I suggest that the Senator talk to my friend the Senator from Oklahoma and my friend the Senator from Nevada while I continue to speak. I should like to ask them to converse and see if they cannot get together.

Mr. McCARRAN. Mr. President——

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

Mr. LONG. I yield to the Senator from Nevada.

Mr. McCARRAN. I wonder if the Senator from Louisiana realizes that during the last 3 hours there have been conferences here looking to that same conclusion that the Senator from Nevada and others are interested in, the termination of this interminable proposition, and that, so far as the Senator from Nevada is concerned—and I address this to the Senator from Louisiana—I hope to be able to work it out, and I am ready in behalf of the Senator from Louisiana to work it out to the termination of this apparently——

Mr. BLACK. I call for the regular order.

The VICE PRESIDENT. The regular order is the Senator from Louisiana.

Mr. LONG. I would say to the Senator from Mississippi, and to my friend the Senator from Nevada, and the Senator from Oklahoma, that along the line suggested by the Senator from Oklahoma I see no reason why we may not have an agreement.

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

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

Mr. LONG. I yield to the Senator from Nevada.

Mr. McCARRAN. Does the Senator realize and does he understand that the Senator from Alabama [Mr. BLACK] is now an impediment to an agreement here by reason of his objection?

Mr. LONG. That is the way I look at it.

Mr. BACHMAN. Mr. President, I ask for the regular order.

The VICE PRESIDENT. The regular order is the Senator from Louisiana, and he has been the regular order for the last 12 hours. [Laughter.]

Mr. SCHWELLENBACH. Mr. President——

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

Mr. LONG. I yield for a question.

Mr. SCHWELLENBACH. Does the Senator from Louisiana realize that those of us who are new Members of the Senate and who for the last 6 months have sat back here in the last row and seen every effort on the part of the Congress to do something for the people of this country who are suffering from unemployment blocked and stifled by the Senator from Louisiana are going to sit in the Senate tonight and tomorrow and all this week and from now on until something is done to stop the Senator from Louisiana from controlling the Senate? I submit that question to the Senator from Louisiana.

Mr. LONG. I do not know what the Senator means. I should like to know what good things they have done here. If somebody will tell me some good they have done, I should like to know it. I did not control or prevent the passing of the N. R. A. That was passed, whether I wanted it passed or not. I did not control the Senate in the case of the municipal bankruptcy bill. They passed that bill whether I wanted it passed or not. If there is anything I have obstructed here, I do not know what it is.

I should like to know if the Senator from Washington wants to repeal the antitrust law. That is one of the things that is up in connection with this matter. I do not know that it will do any good or repeal the antitrust law. Then what is going to be done about the Borah amendment? I should like to find out as to that.

Mr. BARKLEY. Mr. President——

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

Mr. LONG. I yield for a question.

Mr. BARKLEY. Would the Senator be willing to fix an hour upon which we might vote tomorrow on the pending matter and the Borah amendment and the final disposition of the joint resolution?

Mr. LONG. I would say that I would be willing to vote on this amendment and, if the Senator from Idaho consents, on the Borah amendment at any hour that is agreeable to the Senator from Kentucky and the Senator from Idaho; but at this late hour I would not want to agree as to any other matters.

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

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

Mr. LONG. I yield.

Mr. SCHWELLENBACH. I ask the Senator from Louisiana if he had gone out, as I did last November, and told the people of his State, as I told the people of my State, that I was going to come to the United States Senate to try to do something for their benefit, and did come down here for that purpose, and day after day and week after week and month after month had seen the Senate, which is supposed to be the greatest deliberative body in the world, turned into a circus, if he would not, as I am intending to do, sit here and refuse to submit to any sort of an agreement which would permit him to control the Senate any longer?

Mr. LONG. I do not know what the Senator saw last November, but I know what he will see next November. [Laughter.] I was not out there doing any seeing and I was not out there doing any voting last November. I myself have been in a few elections. I have not only been in one but I have been in a number of elections in my lifetime, and I am ready to participate in a few more whenever the time comes. Furthermore, I was in some of the nominating conventions and bodies of that kind. I am rather an old hand at this game for my young age.

I have not delayed any bills here; not as yet; I have my first bill to delay; and, unfortunately, I never have controlled the United States Senate as yet. If I had, it would have been a whole lot better off than it is now. I think all the Members of this body will agree that if they had followed my advice on the N. R. A. they would have been much better off than they are now. It does not make any difference to me how Senators look at it; whether they think it is a good thing for me to have my way or not, I will not have it anyway, not very much here. I will have my way back among the people because they will vote my way. They always have in every election I have been in, with very few exceptions.

I am only concerned in the good that may be done the people. I am holding up a law right now that is going to repeal the antitrust law after the last one failed to do it. That is all this thing is for, and you cannot smoke them out tonight. When you ask them what they will do about the Borah amendment, they want to set a time to vote on that amendment and kill it, too, because the Borah amendment proposes to put the anti-trust-law situation where it ought to be—at least, to some extent. Why do they not speak out on that? No; kill them all with one fell swoop. We have had N. R. A. for how long? For 2 years. What has it done? You have got more unemployed now than you had before you had the N. R. A. and fewer people in business. You have a bigger dole and a bigger public debt. Talk about the N. R. A. doing some good. Who can point to the good it has done? I cannot.

I would not sacrifice this Government to fascism, even though I could be the Fascist King. I would not sacrifice this Government to bolshevism, even though I could be a Stalin. I am interested in this country being a republic; I am interested in people having liberty here; and I, who have been characterized as one who approved the policies of dictatorship, have voted against every kind of fascism and every kind of sovietism and every species of Hitlerism that has ever been proposed in the United States Senate since I have been here.

I want this Republic to survive. This Republic may not survive; it may go. It is tottering right now, I might tell you; it is tottering right now with the St. Vitus dance. I say it is tottering. Whenever the President of the United States and his chief masterpiece, Hugh S. Johnson, get up and denounce and decry and urge a rebellion against constitutional processes which have existed in this country, I say it is a bad sign. Perhaps the tottering is not so bad, but there is a quivver, it is unstable and uncertain. It is a bad sign all the way around. There is not a single thing I have advocated in the Senate up to this time that I know of, but what would have done good.

Mr. BONE. Mr. President——

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

Mr. LONG. For a question.

Mr. BONE. I ask the Senator from Louisiana if the Supreme Court of the United States has ever repudiated the doctrine laid down in Two Hundred and Twenty-first United States Reports, page 1, in the case of Standard Oil Company of New Jersey against the United States, wherein the Supreme Court ripped the Sherman antitrust law all to pieces and tore the heart out of it? No matter what we write into law here, I ask the Senator how we are going to breathe the breath of life into the Sherman antitrust law by anything we say, in the face of that decision?

I should like to have the Senator be specific and tell us how the Senate and the House of Representatives, in Congress assembled, can galvanize the antitrust laws of this country into a semblance of law and reality in the face of that decision.

Mr. LONG. I will tell the Senator how.

Mr. BONE. I should like to have the Senator make the point clear.

Mr. LONG. I introduced a bill here in keeping with our platform at Chicago.

Mr. BONE. Will the Senator yield again?

Mr. LONG. Yes; for a question.

Mr. BONE. I honor the Senator as a good lawyer; but I want him now to tell me how Congress can enact a law which will strengthen the antitrust laws of this country, in the face of this decision, which, in my humble judgment, destroyed the antitrust laws of this country, regardless of what the Senator from Idaho might or anybody else may say.

Mr. LONG. I will tell the Senator from Washington, if he will listen to me, as to how to do it.

Mr. BONE. I am listening to the Senator.

Mr. LONG. I introduced a bill——

Mr. BONE. I asked the Senator earlier in the evening to read Judge Harlan's decision.

Mr. LONG. I do not need to read it; I have read it many times.

Mr. BONE. Then tell us how we can breathe the breath of life into the antitrust laws.

Mr. LONG. If the Senator will listen to me, I will tell him.

I drew a bill, and it is here in the files of the Senate right now, in which I recopied the Sherman antitrust law, as it was, with the words added in each section, "whether the same be reasonable or unreasonable", and so forth.

Mr. BONE. Will the Senator yield?

Mr. LONG. Wait a moment. I added to the Sherman Antitrust Law words which the United States court held were intended by the law in the decisions prior to the case of the Standard Oil Co. and the Tobacco Co.

Mr. BONE. Will the Senator yield now?

Mr. LONG. I yield for a question.

Mr. BONE. I think the Senator understands my very keen interest in the matter.

Mr. LONG. I do; I am with the Senator in his interest in the matter.

Mr. BONE. Judge Harlan said this, and I make it a part of my question:

> The law gives to the Congress and Congress alone authority to regulate interstate commerce, and when Congress forbids any restraint of such commerce in any form, all must obey its mandate.

The physical fact is that the Supreme Court did not obey the mandate of the Congress, which was the sole body which had the right to lay down the rule. If the Supreme Court in this case deliberately overrode the law enacted by Congress, which is the only body under our constitutional form of government which could lay down a rule or establish a maxim, how does the Senator expect his law to escape the condemnation of the Supreme Court?

Mr. LONG. I can tell the Senator why. It is because I took the words and wrote them in.

Let me say something to the Senator from Washington. What he says is true not only of the antitrust law. Legislation in favor of the common people has always been mellowed by the courts in time. It takes constant legislation and revolution to keep the law in favor of the common man at all. They always mellow, color, mold, any law, as time goes on, against the interests of the people.

Mr. TYDINGS. Law is like wine; it mellows with age.

Mr. LONG. That is it, law is like wine; it mellows with age, and they mellowed the law with age against the common people. That is not only true of the antitrust law. It has been true in the case of the Federal Employees' Liability Act. It has been true in the case of the Safety Appliance Act. I will show that any law that is ever put on the books, as time goes on is always interpreted more and more in favor of capital. That is always the case.

Mr. BONE. Mr. President, will the Senator yield again?

Mr. LONG. I yield.

Mr. BONE. One thing I fail to grasp or understand in the Senator's argument is why the Senator has criticized this body for not doing something which the Supreme Court of this country has outlawed. The one agency under our form of government which destroyed the antitrust laws was the Supreme Court.

Mr. LONG. Not entirely.

Mr. BONE. To what extent did it not?

Mr. LONG. To a large extent.

Mr. BONE. In other words, the Supreme Court interpolated into the text of the Sherman Act words which were not there. That is correct, is it not?

Mr. LONG. Yes.

Mr. BONE. If they did that 25 years ago, and the Court has not seen fit to change its viewpoint, how does the Senator expect this body to unwrite a rule of law which has been established for a quarter of a century? I do not want to do the Senator any injustice, but I am wondering why the Senator is so severe in his castigation of this body and has been so lenient in dealing with the attitude of the Supreme Court on the thing he has been spending 12 hours discussing. I think the Senator is able and courageous enough to speak right out in school about this thing. Let us take the lid off.

Mr. LONG. I thank the Senator for paying me the compliment.

Mr. McKELLAR. Mr. President, I make the point of order that the Senator from Louisiana has lost the floor by joining in general debate, not yielding for a question.

Mr. BONE. Mr. President——

Mr. LONG. Just a moment.

The PRESIDING OFFICER. The Senator yielded for a question, and the debate was in the nature of a question, but rather extenuated. The Chair suggests that questions be made questions hereafter.

Mr. LONG. Mr. President, it is very hard to make the questions of all alike. I desire to answer the Senator from Washington right now. I say that it is my view that when the United States Supreme Court put the word "unreasonable" or the words "rule of reason" into the antitrust law, they destroyed two-thirds of the law, or over half of it, but they left some law. There was at least some kind of antitrust law left. But when we annulled it, we wiped it out all at once.

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

Mr. LONG. I yield to the Senator from Idaho for a question.

Mr. BORAH. Would the Senator be willing at this time to have us dispose of the amendment relating to the question of the suspension of the antitrust laws?

Mr. LONG. Yes; I should. I should be willing to defer action on our amendment, and dispose of the antitrust law amendment.

Mr. BORAH. Will some one notify the Senator from Mississippi [Mr. HARRISON]?

Mr. LONG. I should be willing just to defer action on this motion of mine and take up the antitrust law instead, for the time being. That would be my idea about the matter.

Here is the Senator from Mississippi. He has just come into the Chamber. I have just been asked by the Senator from Idaho if I would be willing to take up for consideration now the amendment of the Senator from Idaho [Mr. BORAH] to amend the antitrust law.

Mr. BLACK. I object.

The VICE PRESIDENT. The question before the Senate is the motion to reconsider, and no other arrangement can be made, as the Chair understands, until that question is settled. When the Senate votes on the motion to reconsider, after we dispose of the amendment of the Senator from Oklahoma [Mr. GORE], any other amendment will be in order. So the amendment of the Senator from Idaho [Mr. BORAH] will then be in order.

Mr. LONG. It could be taken up by unanimous consent, unless some other Senator should object.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. NORRIS. Is it possible now to take up an amendment to a motion as to which we do not know whether or not it is going to be reconsidered? Does it not follow, as a matter of fact, that that is an impossibility until we first dispose of the pending motion?

The VICE PRESIDENT. The Senator has stated a very obvious fact. Nevertheless, the Senate can do anything on earth by unanimous consent except to amend the Constitution.

Mr. BLACK. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BLACK. If it is stated now by a Senator on the floor of the Senate that he will object to any agreement of any kind or character or any nature until the Senator from Louisiana completes his speech, is that sufficient to prevent the consumption of useless time by asking whether or not agreements will be made? No agreement of any kind or character will be made by unanimous consent in this body until the Senator from Louisana completes his speech and gives up the floor.

Several Senators addressed the Chair.

The VICE PRESIDENT. It is impossible to give any Senator recognition until there is order in the Senate.

Mr. CLARK. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. CLARK. I make the point of order that the parliamentary inquiry of the Senator from Alabama [Mr. BLACK] was not in regular order. I ask for the regular order.

The VICE PRESIDENT. The regular order is the Senator from Louisiana.

Mr. LONG. Mr. President, I will not yield to any one.

The VICE PRESIDENT. The Senator has declined to yield.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield for a question?

Mr. LONG. No; I will not yield. I will not yield to anyone until I get this confusion settled. I wish to get the regular order. I wish to have all this confusion settled, and then we shall know where we are. Any number of parliamentary inquiries and points of order are being made, and it is impossible for me to keep them straight in my head. There are enough parliamentary inquiries and regular orders and declarations of principles going around here to do for 14 national conventions.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield for a question?

Mr. LONG. Not now; later on, but not at this time. I wish to get the matter straightened out. There is something about my speech which quiets Senators, so that they are better off. I avoid all of these hard feelings. I do not want Senators making statements to one another for which they will be sorry a few hours later. I do not like to see the Senator from Missouri making reflections that the point of order made by the Senator from Alabama is not a point of order. I hate castigations of that kind being made by my colleagues. I am trying to promote a note of harmony here which will do good for us all. The trouble with the Senate is that it is mad. The Senate is in a fever. There is too much confusion over nothing. Let us take our time. Be in no hurry. Vote according to principles. Do the best thing. Do not be sorry for what we have done tomorrow. Let everyone follow my example. Let everyone be composed. Let everyone be kind to his fellow man. Let him show the proper respect for his fellow Senators. Let him never question the motives of his colleagues. That is how I am trying to do and act. I have made considerable progress along that line tonight.

There have been very few men who have said anything about one another since I have been on the floor here tonight. There has been very little opportunity for any interchange of personalities. The discussion has all been conducted in a good spirit. It has been fine, wholesome, friendly, well advised, well considered, not half baked; and I believe that when Senators go home tonight and take down my speech, which they will find in the CONGRESSIONAL RECORD, and discover how to fry oysters it is going to help them a great deal. Everyone is going to feel better when they read that speech. They have a recipe in the RECORD here as to how to cook some of the best things that they want to eat, and I have given it to them. I have also put into the RECORD tonight a proposed act of Congress, and if they will adopt it I say it will cure this depression. Eight sections of an act of a proposed act of Congress. Therefore I am trying to get all this confusion out of the way.

I should like to see the Borah amendment adopted. We had an antitrust law. The Supreme Court knocked out part of it, but they had to leave the law. Now we come along with the Democratic platform promising to strengthen the antitrust laws and add to the law to strengthen the antitrust law. It went to the Judiciary Committee. The bill which I drew to strengthen the antitrust law went to that committee; but, lo and behold, while my bill was pending to carry out the party platform, what did they do? They came along with the N. R. A. to upset the antitrust law altogether. That is what they did.

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

Mr. LONG. I yield for a question.

Mr. BONE. I wish the Senator would tell me how Congress can strengthen the antitrust law when the Supreme Court will not allow Congress to do it.

Mr. LONG. Oh, yes; they will.

Mr. BONE. I hope I am patient. I desire the Senator, as an old-time legislator and a lawmaker, to tell me how we can frame legislation when the Supreme Court has restricted it.

Mr. LONG. I have already reframed it. I already have the bill in here.

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

Mr. LONG. I yield for a question.

Mr. SCHWELLENBACH. Does the Senator from Louisiana realize that the new Members of the Senate have determined, after 5½ months, that we are no longer going to permit the Senator from Louisiana to run the Senate, and we are not going to consent to any unanimous-consent agreement so far as the Senator from Louisiana is concerned?

Mr. LONG. I do not know what they have agreed to, but they will be agreeing to something else before they get very far. They may not hear from the White House until a little later on. The man in the White House does all the agreeing for new Members of the body since I have been here.

The law says that we are going to strengthen and enforce the antitrust law. I desire to say to the Senator from Washington that I drew that law. He will find a very well-prepared bill, to which I devoted about a week, which I framed so that there was not a court on earth which could possibly read the "rule of reason" into it.

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

Mr. LONG. I yield for a question only, of course.

Mr. BONE. Let us assume that the Senator's law was enacted, and the Supreme Court should do to the Senator's law what it did to the Sherman antitrust law 25 years ago. Just how would the Senator meet that sort of a situation? No one assumed that the Supreme Court would deliberately wreck the antitrust law by interpolating in it language which ripped the heart out of it; yet that was done.

Mr. MINTON. I ask for the regular order.

Mr. BONE. I am trying to get some light from the Senator.

Mr. SCHWELLENBACH. I ask for the regular order.

The VICE PRESIDENT. The Senator from Washington is out of order.

Mr. LONG. All right. I will end the matter by saying look up the Long bill of 1932, the same bill of 1933, the same bill of 1934, and you will find the answer there. All you need to do is to read the bill and you will be convinced. The bill was well drawn. I drew it myself. It would do the work. I will guarantee that no Supreme Court would dare to say there was any weakness in the law if that amendment to the law were adopted.

The Sherman antitrust law is one of the strongest laws ever drawn. If it had not been that Chief Justice White persuaded the Court to put into that law the implication the so-called "rule of the common law" of England, it would have remained effective. In other words, there was common-law jurisprudence of England that there had to be bad or unreasonable restraint of trade. But for that the law would have stood and might have saved this country from this calamity. I think it would have done it. I undertook in

one of the measures I drew here to get that law amended and to get that bill enacted into law. It was not, and therefore you came along later with the N. R. A. and I was told, "Hold up on your bill. We have decided to suspend the antitrust laws altogether."

The party platform said:

We advocate strengthening an impartial enforcement of the antitrust laws.

That is what we were supposed to do. That is what the party platform said. Therefore, we ought to do what the party platform said, or we ought to go back to the people of the United States and say to them, "We have decided not to carry out our promise." The promise is there. Whether you like it or not, it is there. That is the promise of the Democratic Party.

So you come along with the N. R. A. and wipe out the antitrust law. You put out of business an average of 435 independent businesses every day the N. R. A. was on the books. That is what I am told you did. That is what I understand an analysis of the trade reports shows, that ever since the N. R. A. has been on the books you have put out of business 435 independent businesses every day it has been on the books, and you are proud of it. That is the situation now. That is where we stand. That is the situation we are up against.

No one need doubt that we have reached the point in this country where we are going to have to legislate along constitutional lines and along well-understood lines. Instead of experimenting, I say we do not have to experiment. I say we can adopt expedients, the effect of which is well understood and the constitutionality of which cannot be questioned. I say that the party platform which said we were going to enforce and strengthen the antitrust laws was perverted. I told experienced progressive Members of this body the night they voted for N. R. A. that they were committing a sad mistake.

The labor unions came pretty near getting themselves wrecked on N. R. A. They took a very unwise stand. They were led into a halter. They were led into a halter because unless the little people are permitted to live there will never be a labor union allowed to thrive. They were led into that halter. I never was, never would be, and never believed in it. Many a Member of the Senate who voted for it did so with very serious misgivings. Many of them voted for it who did not want to vote for it. Many of them did not feel it was the best thing to do. Yet today you come back with an N. R. A. amendment, trying to put out another kind of Mother Hubbard provision to cover up any violations of the antitrust law.

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

The PRESIDENT pro tempore. Does the Senator from Louisiana yield to the Senator from Nevada?

Mr. LONG. I would rather yield a little bit later. The Senator from Oklahoma [Mr. GORE] wants to speak to the Senator from Nevada, so I would rather complete my line of thought and yield later.

The PRESIDENT pro tempore. The Senator from Louisiana declines to yield at this time.

Mr. LONG. You come back here with another one of these provisos, and you always have in it that you are going to upset the Sherman antitrust law. That is nothing on earth but something to permit these gigantic concerns to complete the raid on the business of the United States with which they started out in the first place. I am astounded that Members of the Senate should be standing for that sort of thing. I am astounded at it. It is a discredit to their great record in the legislative history of this modern country to still be standing for the Blue Eagle and the N. R. A. business.

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

The PRESIDENT pro tempore. Does the Senator from Louisiana yield to the Senator from Washington?

Mr. LONG. I yield for a question.

Mr. BONE. I think the Senator has in his hand a book containing the platforms of the two great political parties. I will ask if he will look at page 168.

Mr. LONG. I have not that same book.

Mr. BONE. I will ask the Senator if he will read the paragraph which I indicate, which is a part of the platform of the Democratic Party of 1912.

SEVERAL SENATORS. Regular order!

Mr. BONE. May I ask the Senator to read something? I am asking a question.

Mr. SCHWELLENBACH. Mr. President, this group will not agree to anything which will assist the Senator from Louisiana in this filibuster.

Mr. BONE. I am trying to assist myself and not the Senator from Louisiana.

Mr. LONG. I yield for a question.

Mr. McKELLAR Regular order!

The PRESIDENT pro tempore. The Senator has a right to yield for a question.

Mr. LONG. I yield for a question.

Mr. BONE. I should like to have the Senator read to Members of the Senate the paragraph to which I am pointing, beginning with the words "we regret."

Mr. LONG. Let me see what year that was. This was 1912. That was after the decision.

Mr. BONE. No; the decision was in 1910.

Mr. LONG. All right.

We regret that the Sherman antitrust law has received a judicial construction depriving it of much of its efficacy.

I admit that. I think that is right, and I desire to say that this is a very inharmonious opposition that I have. It is a very discourteous opposition. It seems as though they are working against one another. They are not even courteous to their own standard bearer, who is undertaking to make some logical explanation to confound the marvelous exposition I have made of this matter; and still they are in a fight among themselves.

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

Mr. LONG. I yield for a question.

Mr. SCHWELLENBACH. The Senator realizes that the Members of this group have no fight among themselves. The new Members of the Senate are determined that the Senator from Louisiana shall never again control the Senate. We are going to fight every time the Senator uses the methods he has used in the past five and a half months. We are through. We went out to the people of our States last fall and told them——

Mr. LONG. Is that a question?

SEVERAL SENATORS. Regular order!

The PRESIDENT pro tempore. It is not a question. The regular order is demanded.

Mr. LONG. I wish to be protected against the Senator not asking questions. I do not mind giving him a little time. I should not mind giving him a chance to make a little speech. The fact of the case is, if we can get unanimous consent I will let the Senator from Washington make a speech on this matter, just so it does not take me off the floor.

Mr. SCHWELLENBACH. Does the Senator from Louisiana realize that there will be no unanimous consent so far as the Senator from Louisiana is concerned?

The PRESIDENT pro tempore. The Senator from Washington is out of order in interrupting without securing permission from the Senator from Louisiana.

Mr. LONG. The trouble here is that these Senators who are voting together on the wrong side are working against one another. The Senator from Alabama [Mr. BLACK] is giving the Senator from Mississippi [Mr. HARRISON] to understand that he does not want to hear him talk at all. The senior Senator from Kentucky [Mr. BARKLEY] goes over here and engages in debate, and they jump all over him. They are scared to death to hear him, and he sits down, and does

not say another word. It is getting to be an internecine war among themselves. I do not know what they are going to do.

Mr. LEWIS. Mr. President——

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

Mr. LEWIS. I have an inquiry to make of the Senator from Louisiana.

Mr. LONG. I yield for a question.

Mr. LEWIS. If the Senator from Louisiana were quite sure there would be an arrangement made by which a vote might be had upon the matter to which he is alluding, would he be willing to yield the floor now, with the understanding that an agreement might be had between himself and others looking to a vote virtually at once on the motion to reconsider as well as the amendment?

Mr. LONG. You do not have to get me to yield the floor to do that. I do not want to do that. I want to keep the floor. I think there ought to be an agreement. It does not seem as if there ought to be any trouble about it, but I am going to know that there is one before I get through with my speech.

Mr. McCARRAN and Mr. BLACK addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Louisiana yield; and if so, to whom?

Mr. LONG. I yield first, for a question, to the Senator from Nevada.

Mr. McCARRAN. Mr. President, I realize that the Senator from Louisiana must of necessity be very tired; hence, I wish to make my question as short as possible.

I wonder if the Senator from Louisiana has a turn of mind conducive to a settlement and agreement of this controversial question?

Mr. LONG. I certainly have. I am a good compromiser.

Mr. McCARRAN. With that in mind, not to bind anyone, by inference or otherwise, but with a hope that we may bring this situation to a conclusion, I am going to ask the Senator from Louisiana to yield the floor, so that those who may be interested in this subject, and interested in the welfare of the country, may get together and perchance solve the situation.

Mr. BLACK. Mr. President——

The VICE PRESIDENT. The Chair understands the parliamentary situation to be that the Senator from Louisiana has the floor. Does the Senator from Louisiana yield; and if so, to whom?

Mr. LONG. I yield to the Senator from Alabama for a question.

Mr. BLACK. May I ask the Senator this question: Is he willing to accept any kind of an agreement, express or implied, made by anybody in the Senate, with the understanding that there are others of us here who will fight to the bitter end, now and hereafter, any amendment offered under any such agreement, unless the Senator from Louisiana first completes his remarks; the understanding being, to make it clear to the Senator, that there can be no agreement of any kind or character with a large number of the Members of the Senate until the Senator from Louisiana has finished his remarks and yielded the floor?

Mr. TYDINGS. I call for the regular order.

The VICE PRESIDENT. The regular order is that the Senator from Louisiana has the floor. If he desires to answer the question, it is up to him to do so.

Mr. McCARRAN. Mr. President——

Mr. LONG. I yield for a question from the Senator from Nevada, if he wishes to ask me a question.

Mr. McCARRAN. In keeping with my understanding with the Senator——

Mr. LONG. I yield for a question.

Mr. McCARRAN. In keeping with my understanding with the Senator, would the Senator from Louisiana be willing that I might, together with the proponent of the amendment, confer to the end that we may terminate this situation?

Mr. LONG. I should be glad to have them confer, and I think ninety-nine times out of a hundred I would be agreeable to almost anything to which they might agree.

The VICE PRESIDENT. The Senator from Louisiana has the floor.

Mr. LONG. I shall be glad to see them confer. I am not so rebellious as my younger and older colleagues in this body. I am not one of the cantankerous, nonyielding kind of fellows. I have always found out that it is best to compromise and harmonize. Do not try to have your own way all the time. I have been in this business a long time, and I am more willing to be reasonable than my older senatorial colleague from Alabama [Mr. BLACK] or my younger senatorial colleague from Washington [Mr. SCHWELLENBACH]. I always believe that two men can get along pretty well together. There are two sides to a quarrel. It is all right to get up and tell the other fellow that you are not going to agree to anything until you beat him, but it is better to get along without beating anybody if you can.

I say that as a word of advice to my older and younger colleagues. When you can get along without beating anybody, it is always best to do so. Just before every election I always try to make it easy for my adversaries to come in. I always make it simple if I can; so that is our attitude here now. Make it just as simple as you can, because if they listen for another 13 hours the chances are they will be converted anyway, and vote that way.

Think of the great men who served in this body, who have held these principles! Go back and take the first United States Senate we ever had. Take the great men who served here during the days of Thomas Jefferson—Senator John Quincy Adams and others. Consider all these great men, and the problems they have met, and how they have undertaken to solve them. Consider all these matters. It is getting late. The hour is 1 o'clock. The night is dusty, and good souls rusty.

The only fight before Congress tonight is as to whether we shall allow them to repeal the antitrust laws for another 2 years. The only fight before Congress is this effort to repeal the antitrust laws. That is all we have to contend with. The only trouble is whether or not the Democratic platform means what it said.

They may tell you that it cannot be done; but here is the book, the Democratic platform:

> We advocate strengthening and impartial enforcement of the antitrust laws.

That is the point, strengthening the antitrust laws. That is in the platform, to strengthen and enforce the antitrust laws.

Mr. President, there seems to be confusion around the Senate Chamber, lots of talking and much confusion, which is disturbing me. I would like to have order in the Senate.

The VICE PRESIDENT. The Senate is entitled to order in the Senate, and the Chair calls the Senate to order, and asks the occupants of the galleries not to applaud the Senator or to give any indication of their approval or disapproval of his remarks.

Mr. LONG. The disapproval would be so insignificant that it would not worry me. It would be a violation of the rules of the Senate to give approval. I know that what I say here is approved, as a general thing. If that were not the situation, there would not be so many here listening.

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

Mr. LONG. For a question. I am perfectly willing to allow the Senator from Washington to ask me a question; but has the Senator the consent of his colleague? If he has not, I do not know whether he can ask the question or not. I do not want to get him in any more trouble.

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

Mr. LONG. I do for a question.

Mr. BONE. Does the Senator recall in his campaigns before his election calling attention not only to the concentration of wealth, which he has discussed at great length here, but to the elimination of the independent business men and the growth of trusts and monopolies in this country?

Mr. LONG. Yes.

Mr. BONE. Repeatedly?

Mr. LONG. Yes.

Mr. BONE. Does the Senator agree that that growth of monopolies was accomplished under the Sherman antitrust law as it presently is on the books, before the N. R. A. was enacted?

Mr. LONG. Not entirely. It was due to the fact that the people in charge of the law enforcement of the United States lay down, and would not enforce any law at all. They ran rampant against any law.

Mr. BONE. I am not much interested in causes, but will the Senator tell me whether or not it is a fact that these great combinations of capital were accomplished under the Sherman antitrust law; that is to say while that law was on the statute books?

Mr. LONG. Some of them were.

Mr. BONE. Were not most of them?

Mr. LONG. No.

Mr. BONE. How much of them?

Mr. LONG. I think the Supreme Court of the United States destroyed over half the effectiveness of the law if not two-thirds or more, and we ought to strengthen the law and enforce it. I agree with the Senator from Washington. He and I think alike in this matter. He ought to be voting with me. We think alike, and in the last year 435 independent businesses have been closed every day, and the Senator from Washington ought to be voting with me on this bill.

I am right about this bill. It would be unusual if I were not right. It is an extraordinary thing when I am not right on a bill. But I am right about this thing tonight and I am doing things which are for the good of the country. I have given lots of careful study to these remarks. I have given lots of thought to this matter and I have given the best that is in me for the benefit of people, who I would think would be glad to hear more of what I have to say.

Mr. McCARRAN. Mr. President——

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

Mr. LONG. For a question I yield to the Senator.

Mr. McCARRAN. In that regard may I propound a parliamentary inquiry?

The VICE PRESIDENT. The Senator will state it, but just a little louder, so that the Chair may hear the parliamentary inquiry. While the Senator was interrogating the Senator from Louisiana it was not necessary for the Chair to hear him, but it is necessary for the Chair to hear a parliamentary inquiry.

Mr. McCARRAN. I am very glad that I may be able to raise my voice so that the Presiding Officer may hear me.

The VICE PRESIDENT. I hope the Senator will.

Mr. McCARRAN. I have some trouble in being heard here; hence I hope the Presiding Officer will be indulgent with me.

The VICE PRESIDENT. The Chair will give the Senator diligent attention.

Mr. McCARRAN. I know that, and I am very grateful for it.

I wonder whether the Senator from Louisiana, who has addressed himself to the subject now before the Senate, in keeping with the amendment now before the Senate, considered the matter of whether or not this amendment would open the door to the entire discussion of State sovereignty in this country?

The VICE PRESIDENT. Let the Chair say to the Senator from Nevada that that is not a parliamentary inquiry. The Chair has no decision in a matter of that kind.

Mr. McKELLAR. Regular order!

The VICE PRESIDENT. The Chair understood the Senator from Nevada to say he desired to propound a parliamentary inquiry.

Mr. McCARRAN. Very well.

SEVERAL SENATORS. Regular order!

Mr. McCARRAN. Mr. President, addressing my inquiry to the Senator from Louisiana——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Nevada for an inquiry?

Mr. LONG. I do.

Mr. McCARRAN. I now wonder, and I inquire of the Senator from Louisiana in keeping with the very technical rulings which have been imposed upon us during the evening, as to whether or not the amendment of the Senator from Oklahoma may have something to do with the question of State sovereignty and the right of a State to govern within its own borders.

Mr. LONG. That is my position. I am raising the old battle cry of State rights. I decline to allow any "grass root" Republican convention to become the champion of State rights. I am making the Democratic Party the champion of State rights as it always was. That is what I am trying to do. The doctrine of State rights belongs to the Democratic Party. "Grass root" Republicans are about to take it away from us, and the Senators on this side of the Chamber are trying to help them do it, and we are trying to protect ourselves in our stand for State sovereignty.

Mr. LEWIS. Mr. President, will the Senator allow me to present to him a suggestion in the form of an inquiry?

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

Mr. LONG. For a question.

Mr. LEWIS. I ask the Senator from Louisiana if he did not in reply a moment past misunderstand the situation and does he not now understand—or does he—that, yielding the floor for the purpose of whatever the leader in the situation may command, he still would have the right to resume the floor following whatever transpired, for further speech upon the subject matter, if he found it was necessary to elucidate the question, or to add further light to the discussion? Did he assume, as he seemed to from his answer, that if he yielded now, for whatever purpose, he could not again take the floor?

Mr. LONG. I understood that; but I thought that the matter could be arranged by my friends without my having to yield the floor. I was hoping that all could get together. I like to be impartial in the matter. I like to allow my friends to settle questions without injecting my personality into agreements, if that is possible.

I would rather let the Senator from Oklahoma and the Senator from Nevada reach a solution of the matter with my friend from Mississippi. They are all good friends and pretty good supporters of mine.

Mr. LEWIS. I take the liberty to ask the Senator would he not then yield the floor so that they could appropriately, and under parliamentary ruling, get together and make such suggestion as is pertinent, and then the Senator, after that, if the new phase of this matter should again appeal to him as being not righteous or calling for further amendment, would still have the right to resume the floor upon that new proposition.

Mr. LONG. They do not need me to get the matter settled. The trouble is that the Senator from Mississippi and the Senator from Kentucky have a recalcitrant set of supporters whom they cannot handle; that is the trouble. The leadership has lost control of the opposition. [Laughter.] The trouble is not with us. It is just a little feeling between the opposition, the anti-Democratic opposition. We are the Democrats and the anti-Democrats are in a row among themselves. I am a Democrat; I know that, and the only way I have of finding out who is not a Democrat is to find out who is not with me, and I know what the answer is. [Laughter.] So the trouble with these gentlemen is that they are feverish. The big, strong, powerful leaders like the Senator from Kentucky and the Senator from Mississippi do not command the power with their followers that they ought to command. That is because they have given them such bad advice in the past that they do not let them tell them what to do now; they are afraid of them; they are suspicious of them. The Senator from Alabama looks at both of them at the same time. The Lord blessed him with two good eyes, but the way he looked at the Senator from Kentucky and the Senator from Mississippi it looks like he is wall-eyed. He is watching them both at the same time and trying to look at me to see that nothing happens. There

is suspicion of one another. It goes to show that there is something wrong.

They ought to take a room here and lock these gentlemen up together and let them be together for about 3 hours to decide among themselves. That is what they ought to do. They are penalizing one another; they are penalizing themselves and their party. They are all good men; they all mean well. Let me say to the Senator from Kentucky, the senior Senator from Washington, the senior Senator from Alabama, the junior Senator from Washington, the junior Senator from New Jersey, the junior Senator from Pennsylvania, the junior Senator from Indiana, the junior Senator from Nebraska, and the senior Senator from Mississippi, stop being afraid of one another; stop hurling these accusations at one another. You are all good men; I know you all; I will vouch for the conduct of each and every one of you, and I will stand back of you. Now, get together and stop this family row. [Laughter.]

Mr. McCARRAN. Mr. President——

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

Mr. LONG. I yield for a question.

Mr. McCARRAN. Would the Senator from Louisiana care now to yield the floor to one who is entirely in consonance and in agreement with the battle that he has made during this entire day in order that he might confer with the leaders on this floor and thus end the situation?

Mr. LONG. I would rather let the Senator from Nevada handle the matter. He is a better compromiser than am I. Let him and the Senator from Oklahoma negotiate with them. I do not have to leave the floor. Let them all agree. You do not need me; I am all right. I am agreeable; I am a harmonizer; I am one of the fellows who are compromising. I do not ever cause trouble. I am one of the fellows who try to keep everybody on good, friendly terms all the time. You never find me fighting on the same side with a man and trying to shut his mouth like they have been shutting up one another over there. They will not let one another talk.

Mr. McCARRAN. Mr. President——

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

Mr. LONG. I yield for a question, but I do not want to give up the floor. I would rather my friend from Nevada would handle it with them.

Mr. McCARRAN. If the Senator from Louisiana were assured that on the conclusion of my presentation to the body he might have the floor, if he so desired, would he be inclined to yield the floor to me to hold it for 1 hour?

Mr. SCHWELLENBACH. Mr. President——

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

Mr. LONG. I have yielded to the Senator from Nevada.

Mr. McCARRAN. I want an answer to the question.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield so that I may ask a question of the Senator from Louisiana before he answers the question?

Mr. LONG. Yes; I yield for a question.

Mr. SCHWELLENBACH. I ask the Senator from Louisiana if he realizes that the group of new Senators will not agree that the Senator from Louisiana may have the floor after the Senator from Nevada shall have yielded the floor?

Mr. LONG. We would not have to have the consent of the new Senators to get the floor; we would get it anyway if we wanted it. [Laughter.]

Mr. SCHWELLENBACH. Mr. President——

The VICE PRESIDENT. The Chair will admonish the occupants of the galleries to refrain from demonstrations of any kind or else the galleries will be cleared.

Mr. LONG. Mr. President, I want to answer the question of the Senator from Nevada. Let me make this statement to the Senator. We had better hold on to what we have, and let me stay here and let the Senator from Nevada and the Senator from Oklahoma do the negotiating, because it will be daylight after a little while here, and then we can go ahead with a new day, bright and fresh, and proceed into the morrow with this matter. I do not want to yield the floor under any circumstances. I want to hold the floor.

Mr. McCARRAN. Mr. President——

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

Mr. LONG. I yield to the Senator from Nevada for a question.

Mr. McCARRAN. I desire to submit a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McCARRAN. May I, without having the Senator from Louisiana yielding the floor, suggest the absence of a quorum, in view of the present parliamentary situation?

The VICE PRESIDENT. There has been no business transacted since the last quorum was called, and under the custom of the Senate, not according to the rules, but under the custom of the Senate, established on numerous occasions by yea and nay votes, the suggestion of the absence of a quorum cannot be made without business intervening.

Mr. McCARRAN. I should like to submit another parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McCARRAN. Does custom prevail over rule?

The VICE PRESIDENT. It has done so thus far.

Mr. McCARRAN. It is doing so now—is that correct?

The VICE PRESIDENT. It is the ruling of the Chair, that, according to the custom of the Senate, regardless of the rule, where no business has been transacted, there cannot be another quorum call. The Senator may appeal from that ruling, if he desires, in order to let the Senate declare itself once more on this question of policy or precedent.

Mr. McCARRAN. I submit another parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McCARRAN. If I should appeal from the ruling of the Chair, would the Senator from Louisiana lose the floor?

The VICE PRESIDENT. The Chair thinks he would. The Chair is going to say to the Senator——

Mr. LONG. Regular order!

The VICE PRESIDENT. The Chair is going to make a statement, and that is the regular order. The regular order is for the Chair to answer the parliamentary inquiry of the Senator from Nevada.

Mr. LONG. Very well.

The VICE PRESIDENT. The Chair thinks that there is an indefinite period in which a Senator can retain the floor by continuous appeals from the decision of the Chair, for regardless of how meritorius the appeal may be, it is the transaction of business, and gives every Senator an opportunity to make one more speech. The present occupant of the Chair is going to make a ruling if that question shall come up; it is not necessary at the present moment, but he notifies the Senator at the present time that he is going to make a ruling on that point at the proper time if it shall be necessary. The Senator from Louisiana has the floor.

Mr. LONG. I may not have understood the Chair, and I should like to make a parliamentary inquiry. Did the Chair state he was going to rule and did he state what the ruling would be?

The VICE PRESIDENT. No; the Chair did not.

Mr. McCARRAN. Mr. President, a parliamentary inquiry.

Mr. HARRISON. I ask for the regular order.

The VICE PRESIDENT. The regular order is the Senator from Louisiana.

Mr. McCARRAN. Mr. President, a parliamentary inquiry.

Mr. HARRISON. Mr. President, I ask for the regular order.

The VICE PRESIDENT. When the Senator makes a parliamentary inquiry, that is the regular order.

Mr. HARRISON. Is there no end, Mr. President, to parliamentary inquiries?

The VICE PRESIDENT. There is none that the Chair knows of. The Senator will state his parliamentary inquiry.

Mr. McCARRAN. Then may I have order?

The VICE PRESIDENT. There is order in the Senate, the Chair thinks.

Mr. McCARRAN. In keeping with the last expression of the President of the Senate, will the President of the Senate kindly indicate what that rule is as he understands it?

The VICE PRESIDENT. The present occupant of the chair will make that ruling when it is necessary to be made.

Mr. BLACK. Regular order, Mr. President!

The VICE PRESIDENT. The Senator from Louisiana is the regular order.

Mr. LONG. Mr. President, it is now 1:10 o'clock in the morning. Soon the sun will be rising again, and I am satisfied that with the new day we will all feel refreshed, and we will be better able to do our work here. If I am let alone for the next hour I will get harmony in this body whether I get agreement or not. I will get this feeling. I am going to speak to these Senators tonight on the matter of our being brotherly about one another. I am going to speak, Mr. President, on the matter of good will. That is what I am going to speak on. I am going to read from Timothy. I am going to show the Senate what is wrong. I wish to read from First Timothy, the sixth chapter, tenth verse. Oh, yes; I was speaking a while ago and the expression I then used came out of Galatians. I just happened to think of that. I believe it is Galatians, fourth chapter.

Mr. BARKLEY. Mr. President, will the Senator yield for a question?

Mr. LONG. Yes.

Mr. BARKLEY. Will the Senator turn to the fifteenth chapter of Job and read the second and third verses?

Mr. LONG. I think those things ought to be read by the Senator from Kentucky in private, because I do not know anyone in the Senate who needs them as does the Senator from Kentucky.

Mr. BARKLEY. Does the Senator from Louisiana know what they are?

Mr. LONG. Oh, yes; I know what they are.

Mr. BARKLEY. What are they?

Mr. LONG. I do not have to say to the Senator. The Senator from Kentucky is the man who needs that.

Mr. BARKLEY. Will the Senator from Louisiana tell the Senate what they are?

Mr. LONG. No; I will not. There is no one in the Senate who needs them more than does the Senator from Kentucky.

Mr. BARKLEY. Will the Senator yield to me to read those verses?

Mr. LONG. No; I will not yield to the Senator to read those verses, because there is no one in the Senate who needs to have them read to him except the Senator from Kentucky. If he will go and read them to himself, that is all that needs to be done about them.

Mr. BARKLEY. Will the Senator yield further?

Mr. LONG. I will yield for a question.

Mr. BARKLEY. If the Senator does not know what is in those two verses, how does he know that I need them?

Mr. LONG. I will take a chance on that. I think I know what is in them.

Mr. BARKLEY. What is in them?

Mr. LONG. I am not going to say. That is none of my business. I am trying to keep this thing on a friendly basis, and I am just trying to get the Senator to realize that we have some recalcitrant Members here, and they are holding our feet to the fire.

I am now going to read from First Timothy, sixth chapter, twelfth verse:

> Fight the good fight of faith.

Fight the good fight. I read that from the first line of the twelfth verse of the sixth chapter of First Timothy.

> Keep that which is committed to thy trust.

I read from First Timothy, the twentieth verse of the sixth chapter.

> Keep that which is committed to thy trust.

What was committed to your trust, gentlemen of the Senate? Here is what it was.

You promised that you were going to strengthen and enforce the Sherman antitrust law. What have you done? You are here trying to annul it. Instead of trying to strengthen it you are trying to destroy what little is left of it. "Fight the good fight." Keep the trust that has been given to you. That is what I am asking of Senators. There is always confusion and eternal trouble in anybody that is not acting right. We always have trouble with one another then. The only way you will ever agree among yourselves is to be right. You must be right to agree among yourselves. Build your foundation on a rock. See that you are right. That is the first thing to do. Be right.

> If, when the one great scorer comes,
> And writes against your name,
> He writes not that you won a lot,
> But that you played the game—

Play it on the square. Be right, be generous, be peaceful, and be harmonious. "Love thy neighbor as thyself."

These recalcitrant Members who have gone out and kicked their own leaders in the pants and will not listen to anyone have caused lack of harmony among the opposition which threatens to break them to pieces.

Here is a picture of Daniel Webster, which appears in the morning papers. This is what it says under that picture:

> With so many conflicting viewpoints now existing in Washington the stage is all set for a major debate on the Constitution. One hundred and five years have passed since the great Webster-Hayne debate took place in the Senate of the United States, yet "Black Dan's" reply to Senator Hayne is still considered the greatest speech ever made in the Senate, and clinched for him the title of the "Expounder of the Constitution." Any one of several questions today might develop a real debate and reveal some brilliant oratory.

This was almost prophetic. The paper had hardly gone to press when I started to make the speech today at noon on the Constitution of the United States. There is no debate about it, because everyone agrees I am right—and half of those are going to vote the other way. That is our trouble. All the trouble with them now is just that thing. The Senate Chamber is almost empty again. Senators have deserted. They have all gone. I hope they are undertaking to get this matter all straightened out. I will be mighty happy to see it done. For the benefit of others I shall be mighty happy to see it done. All this evening I have labored for one thing, and that is to promote harmony in this body. All this evening I have labored with the Republican side and the Democratic side to have harmony in this body, and to have as little debate and as little bitter feeling engendered as can possibly be developed. Harmony is the keynote here in these days of distress, in these days of confusion, of lack of understanding, of lack of charity of opinion, just as well as charity in various other lines. In all I have said I have reached one conclusion here today.

It is 1:20 in the morning. Thirteen hours and 20 minutes ago I began my speech expounding and lecturing on the Constitution of the United States. Thirteen hours and 20 minutes ago I began. Still there are some who remain. Still there are some who are here. I hope they will still be here when I shall have concluded my remarks this morning or this afternoon. It will be a fine thing if 24 hours of uninterrupted defense might be given to the Constitution of the United States. If it could be said that 24 hours of good, stanch, stable, sincere, faithful, wholesome defense had been given to the Constitution of the United States in the Senate, it would encourage every market in the whole civilized world tomorrow. Nothing would have greater influence.

There are Members of this body who are older than I am and who perhaps had rather go to bed than to stay up this late at night. I am very sorry that we are not to have a vote on this thing at a later date when everybody could be happy. That is what we ought to do. Everybody could be happy. Everybody could be neighborly. Everybody could be satisfied. There is no harmony that would be other than good. There would be no discord.

I am sorry we do not agree. It is not my fault we do not agree. I think it has been because of a rather unreasonable stand that we have not agreed on this matter long before now.

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

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

Mr. LONG. I yield for a question.

Mr. McCARRAN. In consonance with the Senator from Louisiana yielding for a question, I propound a question. Does the Senator from Louisiana know that those who are interested in this subject to which he is addressing himself have been for the last 2 or 3 hours trying to work out a settlement of the subject?

Mr. LONG. I did not know that they had. I am glad to know they have been trying. Apparently it has been without success.

Mr. McCARRAN. I do not say that.

Mr. LONG. I understood a moment ago they were practically reaching an agreement, but it seems it has been more or less without success up to this time. I hope we may have better success.

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

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

Mr. LONG. I yield for a question.

Mr. McCARRAN. I propound a question to the Senator from Louisiana as to whether or not he realizes that there are those who are interested in this subject as much as he is, who are trying their best to solve the problem. I may say to the Senator from Louisiana that in an attempt to solve the problem we are not unmindful——

Mr. SCHWELLENBACH. Regular order!

The PRESIDING OFFICER. The regular order is the Senator from Louisiana.

Mr. LONG. I thank the Senator from Nevada.

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

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

Mr. LONG. I yield for a question.

Mr. McCARRAN. Sometimes these demands for regular order are not altogether in keeping with conditions prevailing.

The PRESIDING OFFICER. Does the Senator from Louisiana yield for a question or a statement?

Mr. LONG. I yield for a question.

Mr. McCARRAN. I am going to propound a question. I am sorry that those who are not familiar with the situation demand the regular order. I wonder if the Senator from Louisiana would care to answer this question as to whether or not he might be willing to yield the problem that he has before him and to which he has been addressing himself now for nearly 12 hours——

Mr. LONG. Thirteen hours and a half.

Mr. McCARRAN. I thank the Senator for the correction—that those who are interested in the same proposition might get together to solve the problem and thus relieve him of the arduous task he has carried on.

Mr. LONG. I thank the Senator, but I think my friends will get together, and I will continue. I hope they can get together. I shall be glad to have them get together. I do not know what the difficulty is that they do not get together. They ought to be able to get together. Everything ought to be settled. Everybody ought to be happy. Everybody could be happy if they would only get together. I am sorry they do not get together. I wish they would. I wish they could. There seems to be no reason why they should not.

I see Senators in every quarter yawning. Everybody wants to go to sleep. Everybody is tired. Everybody is worn out. Everybody is sleepy. They can imagine how marvelous it would feel to close their eyes and let things go by without worrying about them. The Senator from Kentucky [Mr. BARKLEY] rubs his eyes. The Senator from New York [Mr. WAGNER] looks about as bad. The Senator from Pennsylvania [Mr. GUFFEY] is all worn out. They all want to go to bed.

Mr. SCHWELLENBACH. Mr. President——

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

Mr. LONG. I yield for a question.

Mr. SCHWELLENBACH. Does the Senator realize that we are going to stay here if it takes all night and all day tomorrow and all week and all month until the Senator finally yields the floor?

Mr. LONG. I do not know whether I realize it or not, but I might come to realize it later.

Mr. McCARRAN. Mr. President——

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

Mr. LONG. I yield for a question.

Mr. McCARRAN. I wonder if the Senator from Louisiana realizes that there may be those who are injecting themselves into this question who had better not inject themselves into it but that it might be advisable that some of us in harmony with the situation prevailing in the Senate should be permitted to solve the situation?

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

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

Mr. LONG. I yield for a question.

Mr. SCHWELLENBACH. I ask the Senator from Louisiana if he realizes that those of us who have made the fight here, who have stood by in fights in which the Senator from Nevada was very much interested and for whose support the Senator from Nevada was very appreciative, have just as much right, representing sovereign States, as any Senator who has been here for 2 years or for 30 years? We came here to represent our States and the people of our States, and we resent the fact that anybody may say that we should not inject ourselves into the existing situation.

Mr. McKELLAR. Mr. President, I make the point of order that the Senator from Louisiana has lost the floor.

Mr. BARKLEY. I ask for the regular order.

The PRESIDING OFFICER. The Senator from Louisiana is the regular order.

Mr. LONG. I can yield only for a question. I am willing to yield for a question, but that is all I can do.

The PRESIDING OFFICER. The Chair is not willing to enforce the rule that the Senator from Louisiana has lost the floor by reason of the fact that the Senator who asked him to yield for a question did not ask a question. The Chair will enforce the rule, however, against further statements in the guise of questions. The Senator from Louisiana is recognized.

Mr. McCARRAN. I wonder if the Senator realizes—and, if he does, I hope he will answer—that there is a primary question here that involves the sovereignty of States, and that the Senator from Louisiana might be a turning-point in the sovereignty of States.

That is one question; and, under the ruling of the present Presiding Officer, I may not have a right to ask another one until that is answered.

Mr. LONG. Mr. President——

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. McKELLAR. Mr. President, will the Senator from Louisiana yield to me?

The PRESIDING OFFICER. Does the Senator from Louisiana yield; and, if so, to whom?

Mr. LONG. I yield to the Senator from Tennessee for a question.

Mr. McKELLAR. Does the Senator know that there will be absolutely no agreement of any kind until he yields the floor?

Mr. SCHWELLENBACH. Mr. President——

The PRESIDING OFFICER. The Senator from Louisiana has the floor. Does he yield; and if so, to whom?

Mr. LONG. I think I shall decline to yield at this time.

Mr. SCHWELLENBACH. I should like to ask the Senator from Louisiana a question.

The PRESIDING OFFICER. The Senator from Louisiana declines to yield.

Mr. LONG. I think I shall decline to yield. There have been so many questions asked that I do not know whether I realize the meaning of them.

I am sorry the Senator from Tennessee made that remark. I am sorry for that, because I never have said that I would not make an agreement as long as the Senator from Tennessee spoke. I never in my life said that I would do that, and I would not say it now.

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

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

Mr. LONG. Yes, sir; for a question.

Mr. SCHWELLENBACH. I ask the Senator from Louisiana if he realizes that so far as the junior Senator from Washington is concerned, he is not interested in any threats upon the part of the Senator from Nevada or the Senator from Louisiana concerning politics in the State of Washington; that he is perfectly able to take care of himself so far as the State of Washington and the liberal elements of that State are concerned?

Mr. McCARRAN. Mr. President, I ask that the remarks of the junior Senator from Washington be expunged, because under the rule they have no place in the RECORD.

The PRESIDING OFFICER. The Chair will rule that there is no violation of the rules in the remarks of the Senator from Washington. The Senator from Louisiana yielded for a question, and the Senator from Washington asked a question to which the Senator from Louisiana has not yet replied.

Mr. LONG. I do not intend to reply.

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. McCARRAN. Mr. President——

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

Mr. LONG. For a question.

Mr. McCARRAN. Out of this situation—and I say this preliminary to a question——

The PRESIDING OFFICER. The Senator from Louisiana yields only for a question.

Mr. LONG. That is all.

The PRESIDING OFFICER. And in view of the points of order which have been made, the Chair feels it incumbent upon him to enforce the rule. Therefore, the Chair is constrained to state to the Senator from Nevada that the Senator from Louisiana yields only for a question.

Mr. McCARRAN. I now propound the question. I wonder if the Senator from Louisiana realizes that there may be, out of a condition such as that which now prevails in the Senate of the United States——

Mr. BLACK. Mr. President, a point of order. The Senator from Louisiana cannot possibly hear the question. He is talking to someone else.

The PRESIDING OFFICER. The Chair will state to the Senator from Alabama that the matter of the Senator having the floor listening to the Senator propounding a question is not within the control of the Chair.

Mr. BLACK. Then I raise the point of order that no question can be asked. Certainly it is not in order to ask a question to which the Senator having the floor does not listen.

Mr. LONG. Mr. President, I have remarkable capacity for listening.

The PRESIDING OFFICER. The Chair overrules the point of order.

Mr. McCARRAN. Mr. President, I wonder if the Senator from Louisiana realizes that there are those of us who are engrossed in national affairs and in affairs pertaining to the welfare of the country who have been trying to get together here for the past 2 or 3 hours in keeping with the activities of the Senator from Louisiana; and I wonder if he realizes that in keeping with that it might be well for those who lead the Senate to get their heads together for a few minutes and forget partisanship and some other things that are going on here.

Mr. HARRISON. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The regular order was for the Senator from Nevada to state his question. Now the regular order is that the Senator from Louisiana has the floor.

Mr. LONG. All right, Mr. President. I, myself, should like to see the leaders lead; but if they do not want to lead, and the others do not want to let them lead, I do not see how they are going to be able to do it. They had better get together, I think, and figure out something.

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

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

Mr. LONG. I yield to the Senator for a question.

The PRESIDING OFFICER. The Senator yields for a question only.

Mr. BARKLEY. I have no desire to take the Senator from the floor; but this intimation from the Senator and others has gone unreplied to for about long enough. I have no pride, so far as I am concerned——

Mr. LONG. Is that a question?

The PRESIDING OFFICER. The Senator from Louisiana states that he yields only for a question.

Mr. BARKLEY. Does the Senator know that neither the Senator from Mississippi [Mr. HARRISON] nor I, nor anybody else who has had anything to do with any conferences that have gone on at the suggestion of the Senator's friends, looking to a composition of this unfortunate and disgraceful juncture in the history of the United States Senate—does he know that so far as I am concerned, I came here today and I came here tonight prepared to stay all night, and all tomorrow, and all tomorrow night, and all any other night, in order that we might reach a conclusion with respect to this matter, and that other Senators on this side did the same thing? At the suggestion of some of the Senator's friends, does he know that we did have some conversations looking to an effort to settle this matter in order to get a vote on it tonight; and does the Senator know that his own refusal to cooperate with his own friends has been the thing that has stood in the way of a disposition of this matter tonight, without any agreement, without any understanding, but on the vote of the Senate of the United States?

Mr. LONG. I do not know about that. I thought I was a very agreeable person. I really thought I was. I am really hurt at that statement.

Mr. McCARRAN. Mr. President——

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

Mr. LONG. I yield for a question.

Mr. McCARRAN. I again ask, in keeping with what has gone on during the past few hours, whether the Senator from Louisiana would be willing to yield the floor to me for 1 hour, that he may confer with the leadership of the floor, looking to a solution of this problem.

Mr. McKELLAR. Mr. President if that is a request for unanimous consent, I object.

Mr. HARRISON. I ask for the regular order.

The PRESIDING OFFICER. The regular order is the Senator from Louisiana.

Mr. LONG. At a later time I will yield for an hour.

Mr. McCARRAN. Mr. President——

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

Mr. LONG. I yield for a question.

Mr. McCARRAN. I ask the Senator from Louisiana whether or not he now realizes that the leaders here are unwilling to go into a settlement of this situation?

Mr. LONG. I do not know who the leaders are. The Senator from Washington says they are leading. The Senator from Kentucky rather intimates that he and the Senator from Mississippi [Mr. HARRISON] have something to do

with the leadership, which I doubt; and not being able to identify the leadership here, I just kind of remain good friends with everybody. I am on good terms with everybody here.

The Senator from Tennessee [Mr. McKELLAR] wanted to get up and start a row with me, but he cannot start a row with me. I will not row with anybody tonight. I am at peace with the world. I am right, and right men do not have to lose their tempers. I will not row with anybody. Nobody here can have a fuss with me. I am only begging you to save yourselves. I am here as an evangelist, begging you to adopt the salvation that is necessary for your own souls. I am not going to have a row with any of my good friends in this honorable body. I am here undertaking to do for you, for your good; and I would not undertake to have a controversy with someone upon whom I am spending my wit and my energy, such little as I may have of both, for the good of men.

It is only natural, however. We are now sending missionaries back to the Holy Land. All the teachings of Christianity came from the Holy Land, but now we have to send missionaries back from America to teach the Christian religion in the Holy Land, the cradle of Christianity! It goes to show how men can forget the principles they are here to represent, that need now and then to be revived.

I should be happy indeed to see this matter settled, but there is an issue at stake here. Do not expect us to sacrifice these principles. There are principles of State rights involved in this matter, and they ought to be settled in the right way.

I am not going to row with anybody. I hope Members of the Senate who make these harsh remarks about one another, and now and then one somewhat aimed at me, will sooner or later feel sorry for that kind of statement, and that we will have harmony in this body again, and we will all realize that we are doing what we think is best for the people of the country.

I am sorry Senators do not see this matter in the way I do, but I do not think we ought to annul the antitrust laws for another 2 years. Some Senators think we should. I do not think so. I do not believe half the Senators think we ought to annul the antitrust laws.

I read from the paper which has just come in to see just what the press is saying about us. This is a morning paper. Look at this. Here they say in the headlines:

Senate N. R. A. vote blocked by LONG's new-deal attack.

when I am trying to get an agreement for an early vote. [Laughter.] That is the kind of unjustifiable headline that has gone out, when all in the world I am trying to do is to get an agreement for an early vote. If I had had my way, we would have been gone from here several hours ago; we would have been back here in 10 hours, and the whole thing would have been over.

No one has to do much in this day and time. It is all a mistake, quite a mistake, to think that we must do something. Everybody makes a mistake now and then. I make my share of mistakes, and everybody else makes his share of them. It is all a mistake; nobody has to do anything.

There is not a man here who could not talk at least 40 hours if he wanted to. Do I not know that? There is not a Senator here who could not talk a couple of days if he wanted to. Anyone can do that. I could do it. Any of my colleagues could do it.

Why have that kind of a fiasco? Why not let us meet here at 12 o'clock and vote? If Senators go home now, by the time they get home and get back they will not be able to sleep over 7 hours at the most and get back and vote. There will be only 10 hours before 12 o'clock noon. Why not agree? Just as soon as Senators are ready to go home and sleep I am ready to vote. That is a fair proposition.

We may be here until 12 o'clock and still no vote. I am pleading for harmony. The only thing I ask Senators to do is to go home and sleep and come back and vote. They will not lose any time. It is already another day. All I am asking them to do is to sleep before they vote. That is all. Sleep and then vote.

Sleep, sleep, close your eyes in sleep. [Laughter.]

Mr. BARKLEY. Mr. President, I ask that the Chair enforce the rules of the Senate with respect to demonstrations in the galleries. If they are not enforced, I shall ask that the galleries be cleared.

The PRESIDING OFFICER. The point of order is well taken, and the Chair will ask the occupants of the galleries for the last time that they are here as the guests of the Senate, and demonstrations of any sort are strictly forbidden. If necessary, the Chair will order the galleries cleared.

Mr. GORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GORE. I wish to raise the point of no quorum. Only 30 Senators are in the Chamber by actual count. It has been many hours since a quorum call was had, and I desire to know if I can raise the point of no quorum without taking the Senator off the floor.

Mr. BARKLEY. I make the point of order that no business has been transacted since the last call.

The PRESIDING OFFICER. The point of order is well taken.

Mr. GORE. I appeal.

Mr. LONG. I do not yield for that purpose if it would take me off the floor.

The PRESIDING OFFICER. The Chair will state to the Senator from Louisiana that the Chair will rule, if the question arises, that if the Senator yields for the purpose of an appeal it will take the Senator off the floor.

Mr. LONG. I do not yield for that purpose. I want to keep the floor and get the matter settled. I want to get everybody to forget these little temperamental outbursts and get together in this matter. It is 14 minutes before 2 o'clock right now. Ten hours from now it will be noon. If we go home now and spend an hour getting home and getting to bed and an hour getting up and getting back here, the earliest we can get back here will be 12 o'clock.

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

Mr. LONG. I yield.

Mr. BARKLEY. In view of the Senator's apparent anxiety for an early vote, and in view of the fact that the way for the Senate to get together on the pending matter is to vote on it, is the Senator willing to agree that the Senate shall vote on the pending motion at 2 o'clock?

Mr. LONG. Does the Senator mean 2 o'clock this morning?

Mr. BARKLEY. Yes.

Mr. LONG. Oh, no. I am willing to agree to vote at 12 o'clock.

Mr. BARKLEY. I thought the Senator wanted an immediate vote.

Mr. LONG. No; I want everybody to sleep.

Mr. BARKLEY. I thought the Senator wanted us to get together.

Mr. LONG. I do.

Mr. BARKLEY. The way to get together is to vote.

Mr. LONG. Not at 2 o'clock. The Senator from Nevada wants to speak an hour or two, but I think I can persuade him to cut that down to 30 or 40 minutes. The Senator from Oklahoma wants to say a little something, and I believe I can persuade him to shorten his talk down to a few minutes. I would quit now, and we could all go home and come back and vote at 12:30, or even 12 o'clock; come back at 11 and vote at 12. Let us go now and come back at 11 and vote at 12. All in the world I am asking is that Senators shall sleep before they vote. I am just begging Senators to take a little nap before they vote.

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

Mr. LONG. I yield for a question.

Mr. LEWIS. I ask the Senator from Louisiana, in view of the question asked by the Senator from Kentucky, if the Senator from Louisiana would be satisfied that if he were yielding the floor there would be some arrangement made

that would dispose of both of these motions, would he then be willing to yield the floor?

Mr. LONG. I beg the Senator's pardon. As I understand it, the Senator is asking me whether, if there should be some arrangement made to dispose of both of the motions——

Mr. LEWIS. I mean to ask this of the Senator: If he were satisfied that by yielding the floor there would be a disposition of both of these motions to the satisfaction of those who are engaged in the controversy, would he yield the floor?

The PRESIDING OFFICER. The Chair will state to the Senator from Illinois that only one motion is before the Senate, and that is the motion to reconsider.

Mr. LEWIS. I thank the Chair, but I have understood from the remarks of my able friend from Kentucky that in view of both motions——

Mr. BLACK. Mr. President, I desire to ask whether the Senator from Louisiana has lost the floor?

Mr. LONG. I have not done a thing except yield for a question, and so stated.

The PRESIDING OFFICER. The Senator from Louisiana yielded for a question, and the Chair possibly improperly injected an observation as to the parliamentary situation. The Chair will not be disposed to consider that the Senator from Louisiana has lost the floor.

Mr. LEWIS. I suggest that in his parliamentary rights the Senator did not yield the floor, and ought not to be taken off the floor because I was making an inquiry.

The PRESIDING OFFICER. The present occupant of the Chair will say that the Senator from Louisiana will not lose the floor as long as he keeps within his parliamentary rights.

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

Mr. LONG. I yield.

Mr. BORAH. Mr. President, I should like to ask the Senator a question.

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

Mr. LONG. I yield.

Mr. BORAH. Does not the Senator from Louisiana feel very grateful to the gentlemen for assisting him?

Mr. LONG. They have been marvelously helpful tonight, and I feel very grateful to them. They have taken up half the time. I thank them very much. They have contributed to this argument most spicily. They have helped to keep my comrades awake through the night. I appreciate it very much. I would say further, if I may be permitted to talk of this matter, that I want harmony. I do not want argument; I do not want any fight; I do not want any ill feeling. I want harmony. I only beg you to sleep before you vote; that is all. All I ask you to do is to sleep; that is all I ask you to do. Take a little nap before you vote; that is all. What is the difference in taking a nap before you vote and taking a nap after you vote? Take a little sleep. Lie down and sleep.

When you have an important question to decide, take a little sleep on the matter. Soon it will be 2 o'clock a. m. I am willing to come back at 10 o'clock; and I will make a deal with you now that we will all come back at 10 o'clock—that will be 8 hours from now—and vote, or vote 1 hour after we come back, if you want to. That shows whether I am reasonable or not. That puts me in the clear. It shows I want to do the right thing. I have nothing but peace in my mind—peace and harmony and good will toward men. I am not trying to do anybody any harm. You do not want to hear me talk; you want me to quit talking; and yet none of the other Senators want to hear one another talk. Every time the Senator from Mississippi gets up to talk the Senator from Alabama objects to the Senator from Mississippi talking. The Senator from Tennessee does not care, but he wants the regular order, too. He says, and all of them say, there will be no vote until I quit. Why not let us all agree that we will all quit and all go home? I will tell you what I will do. I will tell the Senators what I will do. When we come back I will not undertake to make any speech at all until we vote on this motion. I will tell you what I will do about it. I will withdraw my motion; we will adjourn; and I will promise not to remake it when I come back tomorrow. Now, how about that? What a fair proposition I make to my colleagues. I will withdraw the motion.

I read the following telegram:

Senator HUEY P. LONG,
Senate Building, Washington, D. C.:
This association is on record as being strongly opposed to any extension of N. R. A.
THE NEW ORLEANS GROCERY ASSOCIATION.

One thousand five hundred grocerymen in New Orleans, nearly all of whom have always fought me in every election I have ever had, are now solidly back of me. That is what good this argument is, and if we continue the filibuster that my opposition is keeping up—and my opposition will have to take the responsibility for turning this argument into a filibuster by the tactics which have been employed—you are going to find the country will keep on writing here. They are against the N. R. A. 100 percent.

Here is another telegram:

Radio News announced you are still going strong. God bless you.

Think of people wiring that kind of message to me here. They are sore against this infernal N. R. A. and this effort here tonight to repeal the antitrust laws.

Who was it that you had handling all these industries? You had my friend Donald Richberg. He was a friend of mine the last time I saw him. Under the N. R. A. the industries were being handled by Richberg. Do you know what experience he had for that kind of a job? I will read what he says:

I have had nothing of what you would call industrial experience in the way of managing any plant operations or industrial operations.

He never had any business experience in his life. Yet you call the man in here as a great executive over sawmills, grocery stores, factories, and all other industries and put him in control, although he said he never was in business of any kind before in all his life. Do you think the Senate would have confirmed the nomination of that kind of man for this particular position? No. I would have voted for Don Richberg to have been Attorney General; he might have been qualified for that position, and I think he was; but do you think I ever would have voted that he should have occupied such a position as that? No. Well, here is an item from the evening paper:

The warring forces on the codeless N. R. A. extension resolution yesterday had reached some agreement.

Well, why do we not agree?

Mr. CONNALLY. Mr. President——

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

Mr. LONG. I yield.

Mr. CONNALLY. What does the Senator want us to agree to? We can not agree to anything until he finishes his speech.

Mr. LONG. I want us to agree to vote at an early date.

Mr. CONNALLY. We are ready to vote now.

Mr. LONG. Oh, no, not tonight; this is not any time to be voting. Half of your men are asleep and the other half are half asleep. This is not the time to be voting.

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

Mr. LONG. Yes.

Mr. CONNALLY. The Senator has been speaking for 12 hours.

Mr. LONG. For 14 hours.

Mr. CONNALLY. He has been asking all the time to get an early vote and we have been wanting an early vote all that time. Nobody is standing in the way of an early vote except the Senator from Louisiana.

Mr. LONG. No; but they have been filibustering against it. [Laughter]. Filibustering tactics have been injected into my speech. The Senator from Washington announced that he is going to filibuster for 2 days.

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

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

Mr. LONG. I yield for a question.

Mr. SCHWELLENBACH. Does not the Senator realize that I said we would filibuster for 2 years or 2 centuries——

Mr. LONG. Or something like that.

Mr. SCHWELLENBACH. And that we are not going to have any unanimous-consent agreement today?

Mr. LONG. That is the point. I was just saying they are turning a legitimate argument into a filibuster. I am undertaking to make a sound legitimate argument, and they throw a filibuster into it, and threaten me that I have got to give up the floor. Can you imagine such a thing, when the Constitution of the United States says I have got a right to the floor, they say I have got to quit? [Laughter].

They have been listening to the Senator from Alabama over here. He has been spreading that around. He is making a mistake. The Senator from Alabama had better listen to me. I will give him some good advice.

It is now 2 o'clock. I make a proposition that we all go home and come back and vote any time Senators want to vote. I make the proposition that if you will give these Senators as much as 4 hours' sleep or more, we will come back and vote any time Senators wish to. All I am asking is to give these men who have all gone to bed a chance to wake up and come back. Let us have just a little sleep—just a little sleep. That is all I am trying to ask the Senators to take. That is all I am asking you to do.

Just sleep a little while before you vote. That is not much for me to ask. I have asked so little of this body since I have been here. I have made only one request, and I do not make it for myself; I only ask that you give every man a chance to sleep a little while and then come on back and we will all vote, and then I am satisfied we will hurry through then with a legitimate discussion.

Just a little sleep! Just a little sleep! That is all I am asking for the Senators. Everyone wants to sleep. Everybody wants to sleep; everybody wants to sleep. Let them all have a little sleep. That is all we need.

Ten hours from now it will be noon. Two hours and one-half from now the sun will be coming up over the eastern horizon, and the lazy mist will be driven before it; the darkness will fade as the mist fades, as though it were driven by the sea-borne gale. The honeysuckle in all its myriad splendor will glisten in the sunshine. The humming birds will be singing about, and everything will be gay and everything will be happy.

At sunrise every soul is born again. Just 2 hours and 30 minutes until sunrise! Two hours and 30 minutes till the sun shall rise! [Laughter in the galleries.]

The PRESIDING OFFICER. The Chair will again admonish the occupants of the galleries to refrain from expressions of approval or disapproval.

Mr. LONG. Two hours and one-half, and the sun will rise!

There is hardly anyone in the Senate Chamber. The lights have been turned out in the cloakrooms. All are asleep. You go in the dark room and wake up a Senator to come in and vote out of that kind of an atmosphere, on a close vote like this, and the vote is likely to be decided on human temper. A man is likely to wake up and holler "no" when he means "yes", or "yes" when he means "no." It does not give him time to think.

Mr. President, I wish we would adjourn. I say that. I am begging the Senate to adjourn. What difference does it make whether you sleep and then go to vote or vote and then go to sleep? All I am asking is that we be given an opportunity to have a little sleep before we vote. I am just asking everyone to go home and sleep a little while and then come back. That is all I am asking. I am asking that everyone will take a little sleep. That is all I have requested the whole night long. The only thing I have asked from anyone all night long is to go home and sleep. That is all I have asked. I do not believe after you sleep you will be willing to throw away the sovereign rights of States. I do not believe after you sleep you will be willing to throw away the prerogatives which belong to the United States Senate. I do not believe after you sleep you will be willing to betray the antitrust laws which we promised to strengthen in the Chicago convention.

All I am asking is that Senators be given a little sleep before the vote. It is very little to ask. It really amounts to nothing whatever on this N. R. A. bill. That is all I am asking Senators. That is everything I am requesting on the whole matter. What difference does it make whether you sleep now and then vote or vote now and then sleep? So why do we not get together? Why do we not get together? It amounts to very little. I am asking Senators to agree to do a very little thing. That is all.

Well, I guess I might as well go ahead on the Constitution. I might as well continue my lecture on the balance of the Constitution.

I have devoted 1 hour on the effort to get everyone to agree. Now I take up the Constitution and continue with my lecture on the Constitution of the United States where I left off. I was on article II.

What do Senators want—a little sleep and then vote, or a vote and then sleep? What do they want? Do I understand that anyone is going to object if I desire to withdraw my motion? Do I understand that kind of parliamentary advantage will be taken of me here that if, having made a motion I later decide to withdraw it, that I do not have a right to withdraw my motion?

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. CLARK in the chair). The Senator will state it.

Mr. LONG. Have I a right to withdraw my motion?

The PRESIDING OFFICER. The Senator has not, except by unanimous consent.

Mr. LONG. That is funny.

The PRESIDING OFFICER. It may be funny, but it is the rule of the Senate.

Mr. LONG. That is surprising to me. I wonder if anybody is going to object.

The PRESIDING OFFICER. The Chair cannot answer that, if that is a parliamentary inquiry.

Mr. LONG. I hope not. I hope no one will object if I wish to withdraw my motion. No one ought to object. This bill means very little in one respect, and it means a great deal in another respect.

Mr. President, they say the longest time any Senator ever spoke in the Senate was 18 hours. I do not want to break that record. I would hate to have it said that I made the longest speech in the United States Senate. I would not want that record. I will do everything I can to avoid it. I do not want to be talking here at 6 o'clock. I want to be away from here asleep. I want to see these important officers of this Government asleep. Think what would happen if some ill health should come from overextension of the physical capacity of some of the important members of this body. Think what would be the result if some fatality afflicted the Senator from Alabama [Mr. BLACK]! Where would we be? What would we do? Think of the consequences of that kind with which you constantly threaten yourselves in uselessly prolonging this session. Filibustering against lawful argument; invoking a filibuster that if I give up the floor they will execute a filibuster or else we will not have any right to speak at all; everyone has got to give way.

That is what I am protesting against. That is all I am protesting against. That is what I am seeking to avoid. I am asking a vote, trying to get an agreement for a vote at 12 o'clock today or 11 o'clock today or any time today anybody wants to vote. I am ready to vote at any time. That is all I am asking. All we want is a vote at an early hour after we have a little sleep. We are trying to get a vote. We are trying to get an agreement to vote. We are trying, Mr. President, to get an agreement to vote. I am trying to get an agreement to vote on the motion I have pending here. No one will enter into an agreement to vote. They

will not enter into an agreement at all. They do not want to have any agreement. All I am trying to do is to get a vote. That is all I am asking, is the right to vote.

Here is a suggestion which has just come to me.

The VICE PRESIDENT. Does the Senator desire to make the suggestion public?

Mr. LONG. Yes. I shall not disclose any names. I have been asked to relate the history of Frederick the Great. [Laughter.]

Everybody remembers Frederick the Great. The things I have related about Frederick the Great have appealed to people, but the thing which appealed to most people was his taking of Vienna. Frederick the Great, when he undertook to take Vienna, was told by one of his military generals that he could not afford to take Vienna because there was no war. The military leaders said, "You have not any right to take Vienna because there is no war. You cannot afford to take Vienna", they said. Frederick the Great said, "I will take Vienna and the professors at Heidelberg will write out explanations justifying my taking Vienna after I have accomplished what I have set out to do."

That is one thing which is accredited to him. So it is today. We have the N. R. A. What is the law for it? None. What is the justification for it? None. We will repeal the antitrust law. It is said, "You cannot repeal the antitrust laws." It was proposed in the convention at Chicago to strengthen them. They said, "We will go ahead and repeal them and we have friends who will explain later why we did it." That is how they aped the policies of Frederick the Great.

Frederick the Great had some very great military generals. One of those generals was ordered to attack in a certain way by Frederick the Great. He declined to do it. He routed his troops another way. Frederick the Great sent him word that he would behead him the next day. The old general sent back word that, "Though the King takes my head tomorrow, I will use my head today to save the King." It was through his sagacity that Frederick the Great remained the military power of that time.

These are examples of Frederick the Great which I have discussed time after time. Frederick the Great had been recognized as the greatest general of Europe—that was the record he had. Soon thereafter, when George Washington became leader of the United States Revolutionary forces and accomplished the great victory, and when Cornwallis had laid down his arms at Yorktown, Frederick the Great sent his sword to Washington and sent a message to Washington in which he said, "I am sending the sword, given to me as the greatest general of Europe, to George Washington, the greatest general of the world." So among the treasures that George Washington had at his death was the sword which was sent to Washington by Frederick the Great.

I wonder whatever became of that sword? I wonder if that is in the Smithsonian Institution or if it is in some other historical museum? I have not taken the time to look that up. I should be very grateful to any of my friends if they could inform me what happened to the sword sent to George Washington by Frederick the Great. I should like to find out about it. I had intended some day to make a search here in Washington and see what became of that historic weapon.

The VICE PRESIDENT. Did the Senator make an inquiry of the Chair?

Mr. LONG. May I make that as a parliamentary inquiry?

The VICE PRESIDENT. Yes. The present occupant of the chair is very much surprised that the Senator from Louisiana does not have this information. He seems to have all other information and ought to have had at least this information. [Laughter.]

Mr. LONG. But I have not. By accident it happens to be one of the few things I have not yet dug up. That is why I was asking the Chair, who either knows or has a way of keeping everybody from knowing that he does not know what has happened to that sword which Frederick the Great sent to Washington. [Laughter.] I propounded that as a parliamentary inquiry in good faith. I should like to have it answered in some way by some of our statesmen.

Mr. President, I shall have to ask for order in the Senate.

The VICE PRESIDENT. Senators will be in order, in order that the Senator from Louisiana may be heard by Senators in the Chamber.

Mr. LONG. It looks like two of my friends are double teaming on me.

Mr. BLACK. Mr. President, I ask the Senator from Louisiana to speak a little louder.

The VICE PRESIDENT. The Senator from Louisiana will speak loud enough for Senators on the floor to hear and for the occupants of the gallery to hear. [Laughter.]

Mr. LONG. I shall undertake to do that. If the Senator from Alabama is complaining, I shall undertake to do that. I always did know he was hard of hearing, not that there is anything wrong with his ears, but he cannot even hear what comes into his ears. There are none so deaf as those who, having ears, hear not, and none so blind as those who, having eyes, see not. The Senator falls in that category—blind, deaf, and dumb. He does not want to be any other way, either. He did not hear what I said.

Mr. BLACK. Speak a little louder.

Mr. LONG. I was telling about Frederick the Great sending his sword to George Washington, and I propounded a parliamentary inquiry to the Chair, whether the Chair knew what became of the sword sent by Frederick the Great to George Washington. The Chair never did say. The Senator from Alabama could go out and dig up that information for me in a few moments if he had a mind to do it, and I could put it in the RECORD right now.

What became of the sword sent by Frederick the Great to Gen. George Washington? That is the question I invoke before the Senate now. Where did it go? That is what I am trying to find out.

Mr. McKELLAR. Perhaps one of the Senator's bodyguards up in the gallery has it.

Mr. McCARRAN. Mr. President——

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

Mr. LONG. For a question.

Mr. McCARRAN. Would the Senator from Louisiana consider that the question he has under discussion might be terminated by an agreement here which would solve the situation?

Mr. LONG. I thought so. It could be terminated by an agreement that would solve it entirely.

The VICE PRESIDENT. The Senator from Louisiana has the floor.

Mr. McCARRAN. Mr. President, a further question of the Senator from Louisiana.

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Nevada for a further question?

Mr. LONG. If I am asked to yield for another question, I will yield for one more question. Is that the request?

Mr. McCARRAN. That is the limitation of the request that I can make. In other words, I must propound it by way of a question.

I am wondering if the Senator from Louisiana would be willing to have this matter on which he is holding the floor of the Senate solved by the leaders of the Senate and by his friends?

Mr. LONG. I should be glad to consent to almost any arrangement they might make. I think I could do so.

The VICE PRESIDENT. The Senator from Louisiana has the floor.

Mr. LONG. I shall be glad to have it made.

Mr. President, I myself never was much of a hunter. I never did do much hunting. I never did take the time to hunt and fish. You can always buy fish cheaper than you can go and catch them, and you can save your reputation for truth even after that.

I once heard that a distinguished statesman of this country shot a deer while he was sitting in a tree, and then fell out of the tree after shooting the deer. I always wondered what kind of an experience that was, for a man sitting in a

treetop to take a stand against a deer, and then shoot the deer and fall out with the deer, so that they did not know whether they had killed the hunter or the deer. I heard about that at one time, and my sympathies went out to the hunter.

It goes to show that we need lessons of many kinds in this country. There is so much to be learned, so much to be done, so much instruction to be had that anybody can tell anybody else something on almost any subject in this day and time. There are no more smart men. The idea of a man with a shotgun sitting in the top of a tree and then shooting a deer and then himself falling out on the ground! He was scared of the deer, or scared of the gun, or scared of both. What kind of pleasure is there in that kind of hunting business going on in the United States today? Everything I do I enjoy.

Yes; there is the Bible. That is the book I have been looking for. That is indexed. I will now find the passage I could not find awhile ago, where it says:

Am I therefore become your enemy, because I tell you the truth?

Let me see: That ought to be over here in the "e's", under "enemy." It forbids the returning of evil for evil, and so forth. They have not got that in the concordance in the back; but I will find it in the concordance I have over in my office in a few days. I will find it tomorrow. I should like to complete my remarks and then put it in.

Why do we not get an agreement? The only thing in the way of an agreement is that you want me to sit down and agree, instead of agreeing and then having me sit down. That does not make any difference. That is too infinitesimal to argue about. If we have an agreement, I will sit down; or I will sit down and then we will agree; either way you want it done. I have no pride of opinion about the matter.

Mr. O'MAHONEY. Mr. President, will the Senator yield for a question?

Mr. LONG. I yield for a question.

Mr. O'MAHONEY. If the Senator has no pride of opinion about it, why does he not sit down?

Mr. LONG. I want to understand something about what we are about to agree on.

Mr. McKELLAR. We are not going to agree on anything for the Senator from Louisiana so long as he has the floor.

Mr. LONG. Just a moment. I call for the regular order. I want my rights protected. The Senator from Tennessee ought not to look at me mad in that way. I am in a good humor. I am not mad at the Senator. What is the use of being mad?

Mr. McKELLAR. I am not mad at the Senator, but I am greatly put out with him for his ridiculous performance here tonight.

Mr. LONG. The Senator ought not to expect any better than that.

Mr. McKELLAR. Well, I do not.

Mr. LONG. Now, you see, the Senator is not disappointed. He is just mistaken with himself. He thought he was surprised and he finds out that he was not.

Mr. McKELLAR rose.

Mr. LONG. The Senator will have to get my permission to propound a question.

Mr. McKELLAR. I will not ask one.

Mr. LONG. All right. The Senator understands, of course, that I am trying to be good-natured. I try to be a friend of the Senator from Tennessee and he repulses my efforts to be his friend all the time. I have wasted any amount of effort in trying to be a friend of the Senator from Tennessee.

Mr. McKELLAR. I think I am going to be more active in the future than I have been in the past, too.

Mr. LONG. I call for the regular order.

The VICE PRESIDENT. The regular order is the Senator from Louisiana. The Senator has had the regular order now for 13 hours.

Mr. LONG. I am going to persist in being a friend to all Senators. I am not going to let them get me feeling provoked at them just because they want to annul the antitrust laws so badly that they want to vote before sleeping. It is not going to turn me against them. I never saw anybody so wild to do anything as this effort to annul the antitrust laws. I never saw anything like it in my life.

I had something to do, as one of the delegates at Chicago, with adopting this platform pledge of the Democratic Party.

I consider myself bound by it, and I consider myself bound to use all reasonable arguments I can think of to persuade Senators against nullifying the promise of the party at the Chicago convention. That is how I feel about it.

If we had a little time to sleep, Senators would not want to do this. If these Senators go home and sleep and get up in the morning and find out that while they were up here tonight they were trying to annul the antitrust laws, and that I kept them from doing it, they will be ashamed to look at themselves in the looking glass in the morning, and they will not even want to get up, they will be so ashamed of what they tried to do tonight, attempting to annul the antitrust laws, something they promised they were going to strengthen.

My distinguished and learned colleagues do not want a vote. I am trying to get an agreement to vote, and they will not agree to a vote. I am trying to get an agreement for us to go home and sleep a little while and come back and vote, and they will not even agree to go to sleep.

Talk about me not being able to get the Lord's Prayer through the Senate. We cannot even get one of them to agree to go to sleep. They are more obstinate than anything I have ever seen. Let us have rest and sleep, and then come back and talk these things over. I venture the assertion we will all be friendly and will wind this thing up in a short time. I just make that as a prophecy. That is my prophecy. I do not mind saying so. But Senators want to have this thing prolonged.

Mr. President, it is 2:30 o'clock in the morning and will soon be daylight. Four o'clock will soon be coming, and the sky will be all lighted with the sunshine which China had last night. Everything will be ablaze and abloom. The fields will be glowing with the splendor of the dawn. Farmers will be raising more cotton to plow up next month. Think of it; we are on our way to this wonderful, constructive work, and here we are obstructing ourselves by holding a session of the United States Senate at 2:30 o'clock in the morning.

Mr. President, it is almost a disgrace on the United States Senate. It is one of the most disgraceful things the Senate has ever done to sit here until 2:30 o'clock trying to get an opportunity to annul the antitrust laws of the Democratic Party. That is what Senators are trying to do. They do not want to agree to anything, but they want to annul the antitrust laws. That is all they want to do.

I promised my friend from Minnesota that I would undertake to continue my speech for the next 2 or 3 hours so that he might address the Senate for an hour and so that other Senators might speak. It is easy to be seen that we will be discussing this matter until 12 o'clock, at the very least, if we stay here tonight. We are bound to be here that long discussing the matter. But let us get an agreement to go home and vote at an early hour, and let everybody rest.

My friend the Senator from New Jersey [Mr. MOORE] shakes his head. He does not even know what I am proposing. He is so sleepy he cannot even hear me, and he is sitting here shaking his head. That is why I do not want to have a vote now.

Someone has sent me a note:

Can you inform the Senate about the life of Judah P. Benjamin?

Certainly I can. The only thing I cannot inform the Senate about is what became of Washington's sword. I propounded a parliamentary inquiry in regard to that, and it will be the duty of the Chair to get the information together at the earliest possible moment.

My understanding of the rules and duties of the Presiding Officer is that the Vice President has to get up an answer to all parliamentary inquiries within a reasonable time. I have propounded this as a parliamentary inquiry, and I will probably have an answer some time this afternoon

in time to give it to the Senate before concluding my remarks.

Mr. McCARRAN. Mr. President——

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

Mr. LONG. I yield for a question.

Mr. McCARRAN. Does the Senator from Louisiana know and understand that under the rule he has but two speeches to make in this matter, and that he is now in the course of his last or second speech?

Mr. LONG. I did not know that. I thought I was making my first speech. It has been so ruled by the Chair.

Mr. McCARRAN. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McCARRAN. Am I correct in my statement?

The VICE PRESIDENT. The Senator is correct. The Senator from Louisiana is now making his final and last speech on the subject.

Mr. McCARRAN. A further inquiry of the Senator from Louisiana. In view of the ruling of the Chair, of which he is now apprised, would the Senator from Louisiana care to yield to me that he might confer with those in leadership and in sympathy with his ideas, and that he may thereafter return to the floor, although he cannot again have the floor?

Mr. LONG. No; I would not want to do that right now. It was ruled that I was in my first speech, Mr. President.

The VICE PRESIDENT. The present occupant of the Chair has not been here all the time, but the parliamentary clerk has informed the Chair that the Senator is now in his second and last speech.

Mr. LONG. The President pro tempore ruled that I was in my first speech, and I do not know how it got to be the second. I did not yield the floor for anything except a question.

The VICE PRESIDENT. Of course, the Senator can appeal from the ruling of the Chair. That is the privilege of the Senator.

Mr. McCARRAN. Mr. President——

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

Mr. LONG. For a question.

Mr. McCARRAN. I should rather put it by way of parliamentary inquiry, that I might have a ruling clarifying the situation. Is the Chair now entirely content with his ruling that the Senator from Louisiana is making his second speech on the subject?

The VICE PRESIDENT. That is the opinion of the present occupant of the Chair.

Mr. McCARRAN. A parliamentary inquiry. If I should now appeal from the decision of the Chair, would the Senator from Louisiana lose the floor?

Mr. BARKLEY. Mr. President, I make the point of order that the ruling of the Chair cannot be appealed from until and unless the Senator from Louisiana seeks to obtain the floor again and a ruling is made as to his ability to do so.

The VICE PRESIDENT. If the Senator from Nevada appeals from the ruling of the Chair, the Chair is going to make this ruling—and he is sorry there are not more Senators here to hear it; if the Senator from Nevada appeals from the ruling of the Chair——

Mr. McCARRAN. I have not appealed; I just asked what would happen if I did.

The VICE PRESIDENT. The Chair will not rule until he has occasion to rule.

Mr. McCARRAN. I propounded a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McCARRAN. I tried to state it. I am sorry I did not make myself clear. I desired to clarify the situation. If I should appeal from the decision of the Chair as to whether or not the Senator from Louisiana was now in his second and last speech on this subject, might I appeal from the decision of the Chair without having the Senator from Louisiana lose the floor?

The VICE PRESIDENT. In the opinion of the present occupant of the chair, the Senator from Louisiana would not have a right to the floor.

Mr. GORE. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. GORE. Suppose the Senator from Louisiana or the Senator from Nevada or myself should at this point move to take up House bill 7260, which is the social-security bill; would not that motion be in order?

The VICE PRESIDENT. It would be.

Mr. GORE. And would be subject to debate?

The VICE PRESIDENT. It would be.

Mr. LONG. Very well, Mr. President. For the present we will just content ourselves with concluding this masterful speech which I have been proceeding to deliver for 14 hours and 40 minutes.

Someone asked me to inform him about the life of Judah P. Benjamin. I am the successor of Judah P. Benjamin in this body. Judah P. Benjamin was formerly United States Senator from Louisiana, but when the Civil War was declared he resigned from this body, and I am now filling out a succeeding term of office in the same senatorial seat that Judah P. Benjamin occupied in the United States Senate. That is what I am now doing. Following the Civil War, Judah P. Benjamin went to England, and while he was in England he secured practically no law practice at all. His practice was so small while he was in England that he nearly starved to death. So Judah P. Benjamin decided that he had to convince the people of England that he understood the English law, and there and then this citizen of Louisiana, who had moved to England, wrote that great work called "Benjamin on Sales", which became a textbook, a standard and accepted work and authority on sales throughout England and throughout America.

Afterwards Judah P. Benjamin became Queen Victoria's counsel. Many years later he died and was buried in Paris, and the body of Judah P. Benjamin lies today buried in a graveyard in Paris where, I understand, up to a little while ago there was not even a monument placed at the head of his grave. Judah P. Benjamin was attorney general of the Southern Confederacy, located at Richmond, Va. I have given, in a brief way, the story of Judah P. Benjamin, as nearly as I can recollect and as I have learned it.

If we stay here much longer, Mr. President, it will soon be time for the senior Senator from Texas [Mr. SHEPPARD] to make his annual speech on prohibition. [Laughter.] It is almost approaching that time. If he wants to make that speech on prohibition today, he will have the right to do it. I do not know whether this is the day or whether it is a few days later, but if he does not make it, I will make it for him sometime soon. He has made the speech on prohibition and on the birth of the eighteenth amendment. He never has got down to its obituary as yet. In time, for all I know, they are liable to adopt prohibition again.

Someone, Mr. President, may ask me what is the purpose of my speech? The purpose is this: I am trying to preserve the right and prerogative of the Senate to be consulted as to the qualifications of important officers, and I am trying to save to the sovereign States their rights and prerogatives. That is all I am undertaking to do; that is the full force of everything I have to say at this time.

I wish I knew how many Senators were here and in the cloakrooms about. I wonder if we have got anything like all of them here. I understand there are 64 here. That is not very many. It would be very bad to have a vote tonight. I am willing to make an agreement, Mr. President, to vote tomorrow. I say "tomorrow" but it really is today, for in 15 minutes it will be 3 o'clock in the morning, and we ought to keep getting this thing in better shape than it is. Three hours ago we were about to get together, but the "young Turk" element in the United States Senate kept us from doing it. Three hours ago, but for them, we could have gotten together; we could have settled this matter without all this trouble, if everybody had been as reasonable as I have been about it. I have not stood out for anything. I announced in the very beginning that I was ready to compromise. I announced that I was ready to have an early vote, the earlier the better. The earlier we can vote on this thing the better it suits me. The quicker we vote the better

we will all be, provided we have a little sleep. This is Thursday, the 13th day of June. Everybody ought to be going home. Men are yawning; men's eyes are bleary; men's souls are tired; their feet are sore; their heads are heavy; they are needing rest; they are needing sleep; they are needing nourishment; and it is only 2 days from Saturday, when most of them will want to take a bath. [Laughter.] We ought to be getting ourselves ready to take some sleep tonight.

Fifteen hours ago I started this speech, and have continued just as specifically to the point as I possibly could. I have not done as some have done here and discussed broad and unrelated subjects, but I have kept right down the narrow path, discussing the question before the Senate and only such other matters as were necessary and incident to my discussion.

I do not believe in filibustering, and I resent the filibustering tactics, and before I will stand for the threat that has been made here that young Senators will speak for 2 weeks to keep me from speaking again, which means we would never be able to pass this N. R. A. joint resolution by Sunday, I will hold the floor and talk a while longer.

These Senators want to filibuster; it is in their blood somewhere. They have got it in their blood that they want to filibuster. We should not have anything of that kind. The quicker we agree to a vote on this matter the better off we are going to be. An early vote, a very early vote, as quick as possible with the least delay that we can possibly have, the better off we are. I would say now, fix the time at 2:30. That is 3 hours later than the suggestion made awhile back. I would say now, fix it around 2:30 o'clock, and if you want to make it 12 o'clock, I will make it 12 o'clock, and will come here at 10 or 11 o'clock. It suits me if it suits everybody. I am not going to quarrel about it.

Here is the Democratic platform. Here is the platform from which I was reading. Mr. President, I ask unanimous consent to have the Democratic platform read by the clerk.

The PRESIDING OFFICER. The Senator from Louisiana asks unanimous consent to have the Democratic platform read by the clerk.

Mr. BARKLEY, Mr. BLACK (and several other Senators). I object.

The PRESIDING OFFICER. Objections are heard on all sides.

Mr. LONG. Mr. President, Senators do not want to hear their own platform read. Can you beat that? I am going to make my last effort to see what the Senate is trying to do to me. I just want to see who will object to my last request. I just want to see if there is any one in this body who will object to my next request. That is what I want to see.

I am now going to make another request, Mr. President. I am going to send to the desk and ask the clerk to be allowed to read the Lord's Prayer into the RECORD.

Mr. GUFFEY, Mr. SCHWELLENBACH, Mr. MOORE (and several other Senators). I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LONG. I do not understand that kind of sentiment. All right; I see now that the Senators will not listen to reason. It is beyond reason. It is clear and it is obvious to my mind that they do not want to hear their own party platform read. They do not want to hear the Lord's Prayer read.

"The guilty flee when no one pursueth." They flee from their own incriminating consciences that they are violating the platform of the party, that they will not even let it be read, and they will not let the Lord's Prayer be read.

Mr. ASHURST. Mr. President, I make the point of order that the Senator is out of order for reflecting on other Senators.

The PRESIDING OFFICER. The Senator from Arizona makes the point of order, under rule XIX, against the Senator from Louisiana for reflecting on other Senators.

Mr. LONG. I did not intend to do so.

The PRESIDING OFFICER. Under rule XIX, the Senator must take his seat. The question is, Will the Senator be allowed to proceed?

Under rule XIX, the Senator from Louisiana is required to take his seat until the question is decided.

Mr. LEWIS. Mr. President, I move that the Senator be allowed to proceed in conformity to the rule.

The PRESIDING OFFICER. The Senator from Illinois [Mr. LEWIS] moves that the Senator from Louisiana be allowed to proceed in order.

Mr. ASHURST. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER. As many as favor allowing the Senator from Louisiana to proceed in order will signify it by saying "aye." Opposed, "no." The noes seem to have it.

Mr. GORE. Mr. President, I ask for a division.

The PRESIDING OFFICER. The Senator from Oklahoma demands a division. Those who are in favor of permitting the Senator from Louisiana to proceed in order will stand and be counted.

Mr. PITTMAN. Mr. President, a parliamentary inquiry: What is the question?

The PRESIDING OFFICER. The question is whether the Senator from Louisiana, having been called to order, shall be allowed to proceed in order.

Mr. BLACK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BLACK. Does that mean for the Senator to proceed with his second speech which he is making? That would not mean that he would have the right to make two more speeches?

The PRESIDING OFFICER. The Chair would hold that that would not be an interruption of his present speech. The ayes have it, and the Senator from Louisiana will proceed in order.

Mr. LONG. Mr. President, I am sorry the other side did not win. I was hoping they would win. I wanted to give them a sample of how long a speech could last in the Senate, if they should win.

I desire to compliment my colleagues on their generosity.

The PRESIDING OFFICER. The Senator from Louisiana will please suspend until Senators are in order. Senators desiring to converse will please retire to the cloakroom.

Mr. LONG. Of course, we are not supposed to reflect on Members of the Senate. I did not intend to reflect on Members of the Senate. I did not know there was anyone here who did not understand that I did not intend to reflect on Members of the Senate. It is pretty bad sportsmanship to engage in parliamentary tactics and take advantage of such a situation. That does not look very smart to me. It never has. It reads more like something happening in the second reader than in the United States Senate. That is why we never get down to seriousness here as we should. It is child's play.

Mr. President, I understand that the Vice President says that the parliamentarian has told him I am on my second speech. I am told now that the parliamentarian says that he did not advise the Vice President that I am on my second speech.

Mr. GORE. Yes, Mr. President; he did.

Mr. LONG. Did he?

Mr. GORE. Yes; he did.

Mr. LONG. The Senator from Oklahoma says he did. I want to find out about it. I should like to find out where the second speech started. I make a parliamentary inquiry of the Chair: Where did the second speech start?

The VICE PRESIDENT. Did the Senator from Louisiana make a parliamentary inquiry?

Mr. LONG. Yes, Mr. President. Where did the second speech start?

The VICE PRESIDENT. It is sufficient for the Chair to say that he has ruled that the Senator from Louisiana is now on the second speech. If the Senator desires to appeal from the ruling, the Chair will entertain the appeal.

Mr. LONG. No; the Senator from Louisiana is not going to appeal from anything. I am going to stand here on my rights and speak.

The VICE PRESIDENT. The Senator will be recognized so long as he can stand up.

Mr. LONG. I will be here longer than the Vice President can sit down. [Laughter.]

What I was trying to find out was when this second speech started and when the first speech ended. The rulings have switched around here pretty fast, also. One time one thing is ruled and another time another thing is ruled. I made inquiry of the President pro tempore. He ruled I was on my first speech. Nothing had happened except to yield to questions, and parliamentary inquiries. The Vice President comes back and rules I am on my second speech. It is a funny situation. I do not understand it. I never have. Then they rule that a quorum call is no business. Next they rule that it is. Rulings are just vacillating one way and the other, like the blue buzzard government is expected to be doing outside the Senate, one way and then the other. No law to it. I should like to find out where I am here, sometime. I do not want any child's play. I want it to be serious enough to be regular at least. Let it go at that, as it may be. I am not going to hurry through this speech. I am going to take my time and deliver this speech like it ought to be delivered. I am not going to hurry through it.

Senators do not want me to hurry through it. Senators think I ought to be permitted to continue at length ad libitum, and I am going to undertake to continue until I reach a proper conclusion of the speech.

Defeating this motion of mine or adopting it does not settle the matter. We still have plenty of other motions to debate. If anybody was trying to filibuster he would wait and do it on motion after motion and roll call after roll call. Instead of trying to do that I am trying to speak on the motion and get through with the one motion. It will do nobody any good to take me off the floor on this motion. We have another one coming right behind it. Suppose we adopt the motion to reconsider, we then have to pass on to a vote to adopt it, and we have a right to speak on that and we have a right to speak on the other amendment. We have a right to vote to take up the social-security bill, and if there is anybody here who is going to conduct a filibuster, he ought to realize there are plenty of ways to do it other than on this motion. This one little motion will not do it. This is just shooting from taw.

I am not filibustering. I have spoken 15 hours and have tried to condense my remarks. Half my time has been taken up in yielding to questions, parliamentary inquiries, and things of that kind. If it had not been that I was so generous with my colleagues in this body in that way, I would have been nearly through with all the speech I have to make on the subject and would have had very little more to say. But foreign matters have been injected into the discussion and there is no way to wind it up sooner.

Let me invite the attention of the Members of this body to a cartoon. It shows the N. R. A. blue buzzard on the operating table. It shows Dr. Senate trying to give a stimulant to the N. R. A., and it shows Dr. House trying to give a stimulant to the blue buzzard. The date, June 16, is up on the wall. Everybody is afraid that we are going to have something done that will prolong the life of N. R. A. There is no demand for N. R. A. to be prolonged. There is no demand from any public body that I know anything about that wants N. R. A. continued. Where is the State government that wants it continued? We do not in my State, I know. No other State government wants it continued. Where is the municipality that wants it continued? We do not want it. We do not want it at all. Now, we have our chance to kill it and it ought to be done, but I am not undertaking to do it.

Mr. McCARRAN. Mr. President——

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

Mr. LONG. I yield for a question.

Mr. McCARRAN. I propound this question to the Senator from Louisiana and I do it in all good faith, and I do it in keeping with the hour and in keeping with the zeal he has put into the discussion, in which I am very much interested. Would the Senator from Louisiana yield the floor to me for 30 minutes that he might in turn confer with the leaders so that an agreement might be reached, thus to terminate the entire situation?

Mr. LONG. I should be glad to do that except for the fact that I would lose the floor.

Mr. McCARRAN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McCARRAN. Under such a statement as I have made would the Senator from Louisiana lose the floor?

The VICE PRESIDENT. If the Senator from Nevada should ask unanimous consent of the Senate that he might occupy the floor for 30 minutes and the Senator from Louisiana might return to the floor by unanimous consent, that could be done.

Mr. McCARRAN. I now ask unanimous consent that——

Mr. McKELLAR. I object.

The VICE PRESIDENT. Let the Senator state his request.

Mr. McCARRAN. I ask unanimous consent that I may occupy the floor for 30 minutes, with the understanding that at the end of that time, it now being 6 minutes after 3 o'clock in the morning, on the occasion of the return of the Senator from Louisiana he may have the floor.

The VICE PRESIDENT. Is there objection.

Mr. BLACK, Mr. McKELLAR, Mr. MINTON, Mr. GUFFEY, Mr. SCHWELLENBACH, and Mr. BURKE. We object.

The VICE PRESIDENT. Several Senators object. [Laughter.] The Senator from Louisiana has the floor.

Mr. GORE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. GORE. A vote was taken a few minutes ago as to whether or not the Senator from Louisiana had offended against the rules of the Senate. As I understand it, that is business. If so, I desire to make the point of no quorum, which I think I can do without interfering with the rights of the Senator from Louisiana.

Mr. CLARK. Mr. President, I make the point of order against the point of no quorum, on the ground that the call to order of the Senator from Louisiana was incidental to his debate. The vote taken on that was incidental to the question of whether or not the Senator from Louisiana should be allowed to hold the floor. Therefore there was no transaction of business.

The VICE PRESIDENT. There has been no transaction of business. Let the Chair make this statement with reference to the business of the Senate. If Senators will examine the rules they will find that there is no rule of the Senate that there must be intervening business. The rule is specific that the Chair shall call a quorum, but the precedents are that when there has been no business transacted there cannot be another roll call.

Mr. LONG. All right, Mr. President; let me continue my speech. I have the foundation pretty well laid. [Laughter.] Now I should like to go into detail on some of the points and discuss them more or less so they may be understood.

There is no question about the rules of the Senate being the other way, I will say to the Senator from Nevada, but the ruling of the Chair is the other way from the rule. There is no question about the rule being one way on that matter. There is no doubt at all. However, I am not going to quarrel about it. I am now arguing my motion.

I want to announce to the Senate that after having spoken 15 hours and 10 minutes I have decided I am against the motion I have made. I make that confession frankly. I feel that in justice to the Senate and myself I should now announce that I have changed my mind, or, rather, my position, but not my mind. I now oppose the motion which I made. Regardless of how irreconcilible it may be, I propose to vote against the motion I have made. Now, let my colleagues emulate my conduct. When I find I am

wrong I am going to vote against it, even though I made the motion.

I should like to get the concluding part of this opinion in the RECORD. I shall not ask to take any of the time of the Senate. It is only a little less than half a page that I send to the desk, and ask that the clerk may read the last half page in this decision of the United States Supreme Court.

Mr. McKELLAR, Mr. GUFFEY (and other Senators). I object.

The VICE PRESIDENT. What is the request?

Mr. LONG. I ask unanimous consent that the clerk may read just the last half page of the opinion of the United States Supreme Court—just a little half page concluding the opinion.

The VICE PRESIDENT. Is there objection?

Mr. McKELLAR, Mr. MOORE, Mr. MINTON, Mr. GUFFEY (and other Senators). I object.

The VICE PRESIDENT. There is objection from several sources.

Mr. LONG. It is impossible to get these matters in the RECORD, so I will put them back in my pocket.

I am asking as a final, concluding request, if any Member of the Senate wishes me to furnish him anything on this matter, that he inquire, and I shall be glad to supply it. I have been refused all night long the right to put matter in the RECORD, and I shall not make any further request to accommodate the Senate unless I am protected in this effort to do something about it. The fact that I have spoken for 15 hours and 10 minutes shows my zeal to be fair and to do right about this matter. If, after 15 hours, I cannot convince Senators that I am right, I shall now talk to the people of the country and to myself.

I now have announced, however, that I shall vote against my own motion; and I wish to say to those of the Senate who have intimated that they desire to have it understood that I am not going to run the United States Senate that I shall vote against my own motion to prove that I am not trying to run the United States Senate. I made the motion to reconsider this vote, and I am going to vote against it. I should like to withdraw the motion at this time.

The VICE PRESIDENT. The Senator from Louisiana asks unanimous consent to withdraw the motion for reconsideration.

Mr. McKELLAR, Mr. MINTON, Mr. GUFFEY (and other Senators). I object.

The VICE PRESIDENT. There is objection. There seem to be numerous objections. They come from every source.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HARRISON. As I understand the rule, in order for the motion to be withdrawn, the request will have to be granted by leave of the Senate, which would be a majority vote of the Senate.

The VICE PRESIDENT. It has to be by unanimous consent or else by majority vote of the Senate.

Mr. McCARRAN. Mr. President——

Mr. LONG. I yield for a question.

Mr. McCARRAN. A parliamentary inquiry, Mr. President. Do I understand the ruling of the Chair to be that a Senator who makes a motion cannot withdraw it without consent?

The VICE PRESIDENT. He can except in the case of a motion to reconsider.

Mr. McCARRAN. I respectfully draw the Chair's attention to the rules of the Senate.

The VICE PRESIDENT. If the Senator will call the Chair's attention to a rule which permits that, the Chair will be glad to hear it.

Mr. McCARRAN. I would rather have the Parliamentarian call the Chair's attention to it, because he has it in his hand.

Mr. LA FOLLETTE. Regular order!

The VICE PRESIDENT. If the Senator from Nevada will permit the Chair, since this criticism comes to the Chair, paragraph 2 of rule XXI provides that—

> Any motion or resolution may be withdrawn or modified by the mover at any time before a decision, amendment, or ordering of the yeas and nays, except a motion to reconsider, which shall not be withdrawn without leave.

That is the rule of the Senate.

Mr. McCARRAN. That is exactly the rule which I invoke.

The VICE PRESIDENT. That is the rule which the Chair has just read to the Senator from Nevada.

Mr. LA FOLLETTE. Regular order!

Mr. McKELLAR. Regular order!

The VICE PRESIDENT. The Senator from Louisiana is the regular order.

Mr. LONG. That seems to settle that point of procedure—that a motion to reconsider cannot be withdrawn without leave. I see that is in the rule book. We ought to adhere to the rule book as closely as we can.

The VICE PRESIDENT. It is the rule of the Senate, and the Chair is obligated to enforce the rules of the Senate.

Mr. LONG. I think the Chair ought to enforce the rules of the Senate. I am not going to argue about that point.

On this question, however, I am going to vote "nay." I ask the Chair, have I a right to vote against my own motion? I make that as a parliamentary inquiry?

The VICE PRESIDENT. The Senator from Louisiana has a number of rights, and one of them is to vote as he pleases concerning any motion in the Senate of the United States.

Mr. LONG. Does that mean that if I make a motion I can still vote against it?

The VICE PRESIDENT. The Senator certainly can.

Mr. LONG. I am going to vote against my motion.

The VICE PRESIDENT. Let us have a vote, then.

Mr. LONG. I am going to vote against it when the time comes.

SEVERAL SENATORS. Vote! Vote!

Mr. LONG. When the time comes, I shall myself vote against the motion.

SEVERAL SENATORS. Vote! Vote!

The VICE PRESIDENT. The question is——

Mr. LONG. No; I am not through. I am talking. I am fixing to talk for some time.

The VICE PRESIDENT. The Chair thought the Senator wanted a vote.

Mr. LONG. I do. I want to agree on a vote. I agree that I should like to have a much earlier time set to vote than we are going to vote, the way this filibuster is being carried on by my adversaries.

I have been trying to have a time fixed for a vote. I know that if one of these Senators gets the floor, he is liable to talk for a whole day to prevent a vote. That is why I am trying not to be made to yield the floor until I can get an agreement for a vote at an early date. That is what I am trying to do.

If I can get an agreement to vote at 12 o'clock, or 11 o'clock, or 10 o'clock, I am all ready and willing to vote. Fifteen hours and sixteen minutes ago I started this speech, and I hope to finish it during the next several hours.

Why have a filibuster here when we do not have to have it? Nobody has to have a filibuster here. I see no reason for it. Someone wants to show that he can stay up all night, perhaps, in the Senate. Well, I admit that. I admit that almost any Senator can stay up all night long, and a number of them have stayed up tonight; but that is not the point before the Senate.

We ought not to vote for this motion to reconsider. If we do, we shall stultify ourselves. If, after having voted, we come in here without any reason or excuse and vote the other way, we are the same as acknowledging that we made a mistake the first time. Therefore, I shall not vote for the motion.

If we vote for this motion, it is going to mean prolonged and interminable debate, and perhaps a filibuster by some

Senator who does not desire to see this legislation go through. If we were to vote in favor of this motion, we should still have to vote on whether or not we were going to adopt the original amendment of the Senator from Oklahoma [Mr. GORE], and that would open up another great field of debate. That would bring up again the whole question at issue, and every Senator would have to decide what he was going to do on the next motion; and then, when we got through with that, we should have more motions than that. We should have motions to reconsider. So let us all have harmony out of the matter, and get through with it at the earliest possible time, and with the least possible friction.

Personally, I am in a good humor. I am open for an agreement right now. I myself will accept a reasonable agreement. If there is somebody here who will not agree to it, it is not necessary to have unanimous consent. We can have an agreement here and say that we are going to do this and do that, and have it pretty well understood between ourselves, and it will possibly go through. Why not just let us have a gentlemen's agreement, based on faith, that we shall vote on this matter some time around 12 o'clock? That is what I am trying to have done, but Senators do not want to do it. It is all right. I am not getting any telegrams from anybody for this joint resolution. I have not heard from anybody who is in favor of the joint resolution. Nobody that I have heard from South, East, West, or North has told me that he is in favor of this joint resolution.

Mr. CLARK. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. CLARK. Will the Senator from Louisiana speak a little louder? I see that the Senator next to him has gone to sleep. [Laughter.]

The VICE PRESIDENT. The Senator from Louisiana will kindly raise his voice so that the Senator from Missouri may hear what he is saying.

Mr. LONG. I will raise my voice. I was talking in as loud a tone of voice as I could for fear the Senator from Tennessee had gone to sleep, and I wanted him to hear what I was saying.

Nobody is wiring me on behalf of the N. R. A. Who in the Senate has received a wire that his constituents want the N. R. A.? Who has? Nobody. Nobody has received a single application or request for the N. R. A. measure to be passed. Nobody wants it. Nobody in the whole country wants the N. R. A. except a few bureaucrats and job holders, about five or six thousand of them up here, drawing a lot of money, sitting around under the electric fans in the summertime and in front of fireplaces in the wintertime. They are the only people who want the N. R. A. Nobody else wants it. Nobody else cares anything about it. Therefore, I do not care anything about it. I do not want the N. R. A., and I know the people do not want the N. R. A., and it ought not to be adopted. If left to me it would not be adopted. That is the way I look on it. There are plenty of things here to be done of importance to the Senate which ought to be done besides this. There is some social-security legislation, which is important, and which ought to be passed.

I know the best thing we could do would be to go ahead and knock this whole thing out. That is the best thing to do. The best thing that could be done right now would be to table this whole thing. If the whole N. R. A. thing were tabled now it would be a good thing, and I hope that will be done. But it will not be, I suppose, and I will not undertake to delay. I will undertake to speed this legislation through if Senators will adopt the Borah amendment regarding the antitrust law. If there is anything my feeble voice might contribute toward expediting the passage of the legislation I would be happy to do all I could. I would do my level best to have it passed.

Perhaps the Senate does not want to do it so fast. They want to take time and do what they can do on this Gore amendment to emasculate it. The best thing for us to do is to have the Senate pass upon the qualifications of the men spending these large sums of money. Some of them get more money than I get. Some of them get thousands and thousands of dollars. They get large sums of money themselves. They put their families on the pay roll, and they put everybody on the pay roll they can get on it. If they have any friends working and making two or three dollars a week they put them on the pay roll at two or three thousand dollars in some cases.

They wind up here, as the Senator from Oklahoma read this afternoon, with a pay roll of five or six or four or eight thousand dollar employees stacked up. What I am standing for is that there should be a provision that they ought to be confirmed. It is a ridiculous thing for the Senate to stay here at 3:25 in the morning for no purpose in the world except just to prolong this debate and create interminable confusion, when we could have come back here at 9 or 10 or 11 o'clock and have passed on this matter, and there would have been nothing to it by 10 or 11 o'clock in the morning. Why all this hurry?

Mr. McCARRAN. Mr. President——

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

Mr. LONG. I yield.

Mr. McCARRAN. May I inquire of the Senator from Louisiana again, as I have on several occasions during the afternoon, as to whether or not the problem to which he is addressing himself might be solved by those who have as much interest in the subject as he has, and whether or not the solution at which they might arrive might be acceptable to him?

Mr. LONG. I think it would be.

Mr. SCHWELLENBACH. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield; and if so, to whom?

Mr. LONG. I yield to the Senator from Washington.

Mr. SCHWELLENBACH. I ask the Senator from Louisiana if he realizes that any agreement in the matter of a solution of this problem will have as its first condition precedent, so far as the new Members of the Senate are concerned, that the Senator from Louisiana will sit down and yield the floor to somebody else?

Mr. McCARRAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield?

Mr. LONG. I yield for a question.

Mr. McCARRAN. I wonder if the Senator from Louisiana would be willing to yield the floor that he might enter into negotiations——

Mr. HARRISON. Mr. President, I ask for the regular order.

The VICE PRESIDENT. The Senator from Louisiana has yielded to the Senator from Nevada for a question, and under the rules of the Senate he has a perfect right to ask the question.

Mr. McCARRAN. Mr. President, may I say that I resent the attitude of the so-called "leader"——

Mr. HARRISON. Mr. President——

Mr. McCARRAN. In interrupting——

Mr. CLARK. I make the point of order that the Senator from Louisiana has no right to yield to the Senator from Nevada to resent something.

The VICE PRESIDENT. He has not.

Mr. HARRISON. I ask for the regular order.

The VICE PRESIDENT. The Chair will state to the Senator from Louisiana that if he yields to the Senator from Nevada to make a statement he will lose the floor.

Mr. LONG. I yielded for a question, and I did not even yield to the Senator from Mississippi. I yielded for a question. How can I tell that the Senator from Nevada is going to make a statement?

The VICE PRESIDENT. The Senator from Louisiana must protect himself with reference to his yielding.

Mr. LONG. I have not yielded for anything except a question. I specifically told the Chair that I would yield for a question only. Am I to go over and investigate and see what a Senator is going to say?

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

Mr. LONG. For a question.

Mr. McCARRAN. In order that I may propound the question without interruption, in the view that we might solve this situation, I ask the Senator from Louisiana as to whether it might be possible to solve this situation if the leaders in control of this problem now on the floor of the Senate would get together and would advise with the Senator who has control of the floor?

Mr. LONG. I say we could get together. I think we can unless they are very unreasonable about it. All I want is to agree for an early vote, to start voting at a very early date. I would be willing to stop talking right now and start voting at 12 o'clock.

The VICE PRESIDENT. To start now?

Mr. LONG. The trouble is that there are three Senators who desire to speak. I have talked one of them out of speaking, but there are two others who have speeches which ought to be made. The Senator from Oklahoma has a short speech and the Senator from Minnesota has a short speech which they wish to make. They will take about an hour and a half to make those two speeches, and after that there would be nothing in the way of voting.

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

The VICE PRESIDENT. If the Senators referred to would forego their speeches, would it be agreeable to the Senator from Louisiana to have the Senate proceed to a vote now?

Mr. LONG. No; not right now.

Mr. BARKLEY. Mr. President, will the Senator yield for a further question?

Mr. LONG. I yield for a question.

Mr. BARKLEY. In view of the Senator's anxiety that the two Senators mentioned be allowed to speak, why does not the Senator yield the floor in order that they may have the opportunity to do so?

Mr. LONG. I have been trying to get, and hoping we could get, a gentleman's agreement here to vote on this thing at a certain hour; thereby they will be able to speak, and I will be able to get them to cut their speeches down to suit the occasion. I still hope that we will all see the futility of this needless bickering over nothing. We are not fighting over anything. Why not let us agree?

It is now 3:30 o'clock a. m. I have been on the floor 15 hours and 30 minutes. Why not let us agree that we will come back at 11 o'clock this morning and vote at 12 o'clock, if you want to, or come back at 12 o'clock and vote at 1 o'clock, if you want to? I do not care. Just give us a little halfway break here to save our faces any way you will do it, and we will be satisfied with any little gesture you make. That will suit us; but you cannot tell me that I have got to sit down, because I will tell you you will have to go to sleep, for I can stand on my feet and continue to expound the logic of this bill in accordance with my natural desires. Nothing in my whole life has grieved me so much as having to discontinue making speeches on the floor of the Senate, or anywhere else, for that matter.

We ought to get together on this thing. Why all the bickering about it? I will promise that I will not make any speeches; I will be through if we will agree on a time to vote. I will not make any more speeches; I will be through about the matter. Set it at 11 o'clock; set it at 12 o'clock; set it at 1 o'clock; set it at any time you want to set it; I will meet the date, and that will be the end of it with me. I do not see why we cannot agree. We will be talking and arguing until 10 and 11 o'clock, and we will still have no agreement about this thing. Four and a half hours ago I tried to get an agreement for an early morning vote but could not get it.

I have not been doing all the talking. My friends have done a lot of the talking in the form of questions.

Therefore, I say the responsibility cannot be said to be mine, but it must lie on the shoulders of those who must bear it. I want this thing to get out of the way and to have a clear sky so we can consider the antitrust features of the measure. The last time we had this bill up we debated the antitrust law for about a day, and finally reached a solution that was satisfactory, to some extent, or sufficiently satisfactory that all parties accepted it, and perhaps they will do the same thing this time. That is what I am hoping we will be able to do. I am saying to the Senator from Kentucky that is what we ought to do. I want to state that I would appreciate Senators agreeing to an early hour for a vote. They will do me a personal favor if they will consent to a vote on this matter at 12 o'clock or 1 o'clock today. I will appreciate it as a personal favor if Senators will agree to that. Then that would not cut anybody out.

I have made few requests of this body; this is about the only request I have made in a long time—that you allow this matter to be voted on at an early hour, say, 12 o'clock or 1 o'clock; that is all. I do not like to take up 15 hours' time with the galleries getting empty and nobody to listen to me. The floor is getting thin; very few Senators are here, and I hate to speak to a small crowd like this. I would like to speak when people want to hear, but you cannot expect to see them get out of bed and come here at this time of the morning. About everybody has gone to bed except the Shriners, and they are not going to come here. So I should like to see us agree on this matter.

I am not going to propound a unanimous-consent agreement, but I am going to say a word by way of parliamentary inquiry, that the Senate recess until 11 o'clock and vote on the question now before the Senate at 12 o'clock. I would be willing——

Mr. SCHWELLENBACH. There will be objection.

Mr. GUFFEY, Mr. MINTON, Mr. MOORE, and Mr. BURKE. We object.

Mr. McKELLAR. I object.

Mr. LONG. If there should be no objection, we would all be happy; everybody would be happy. The 15 hours and 40 minutes of good sound logic that I have delivered here could be pondered by every man. That is what could be done.

Mr. President, I think that I am going to give my friends a chance here on this matter. I think we have had enough time spent on this measure. Senators do not want to vote on the bill, so let us take up another bill; let us pass to something else. I am going to make a motion that will be subject to debate, and I urge my friends in the Senate to debate it just as little as possible. I am going to make a motion now. Let us get rid of this bill for the time being.

Mr. President, I want to propound a parliamentary inquiry. Would it be in order for me now to move that the Senate proceed to the consideration of the social-security bill, which is Calendar No. 661?

The VICE PRESIDENT. It is in order for the Senator to move to take up another bill.

Mr. LONG. And the motion would be debatable, would it not, Mr. President?

The VICE PRESIDENT. It would.

Mr. LONG. I now move that the Senate take up for immediate consideration House bill 7260.

Mr. McKELLAR, Mr. PITTMAN, Mr. LEWIS, and other Senators rose.

Mr. LONG. Just a moment. If there is going to be a lot of objection to this proposal, I withdraw the motion.

Mr. PITTMAN. Mr. President, a parliamentary inquiry.

Mr. LONG. I withdraw the motion. I am not going to get confused here now. I am going to get the thing down in good order. I am not going to get a lot of confusion about this question. I feel that we ought to be friendly, and if I am going to get Senators "all het up" over nothing, I will not make the motion at all.

Mr. LEWIS. May I ask the Senator if the objection came from the new braves of the rear column?

Mr. LONG. I do not know, but I answer that I was going to move that the Senate temporarily lay the pending measure aside and take up the other bill, but, apparently, somebody was going to object to that. If there was going to be any objection to it, I was not going to throw any confusion into the body; there is too much confusion already. It would be better to get rid of this in the quickest and the best

way possible. However, if there is going to be any objection and confusion about it I am not going to worry anybody about anything of the kind. That is the way I am going to look on it.

The Senator from Minnesota [Mr. SCHALL] is very anxious to speak on this motion, and I am very anxious that he shall speak on it at such length as he shall see fit; but before I conclude my speech I should like to get an agreement, if possible. However, there is no chance—no chance of agreement!

Mr. McKELLAR. None whatever.

Mr. LONG. No chance!

Mr. McKELLAR. None whatever.

Mr. LONG. That is the toughest thing I ever ran into. No one wants to agree to anything. Some Members of the Senate have gotten into a bad humor. We almost had everything harmonized, and thought we could agree; but some one seemed to think I was fixing to quit. Well, I am not. I have no idea of quitting for a while yet. I have a great deal more to discuss about the bill. Soon I shall have been talking 16 hours. That is not a long speech to make. Many men have made speeches of 16 hours long before now, and if I should speak 18 hours there would still be men who have spoken longer than I did on the floor of the Senate, and probably did not say as much as I said.

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

Mr. LONG. I yield for a question.

Mr. CLARK. Does the Senator realize that while he is still short of the record, the record was set by a man who talked exclusively to the bill before the Senate—the elder Senator Robert M. La Follette, from Wisconsin.

Mr. LONG. Yes. Well, I have talked about this bill exclusively tonight. Of course, some Senators may not see it as I do, but that is the way I interpret it.

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

Mr. LONG. I yield to the Senator from Nevada for a question.

Mr. McCARRAN. In keeping with questions which I have propounded to the Senator from Louisiana in the past, and in keeping with the spirit of the matter before the Senate, and with the hope that there may be a leadership here, I ask the Senator from Louisiana if the leaders who have charge of this measure were to present to him, he having the floor under the rule of the Senate, a solution of this entire question, would he acquiesce?

Mr. LONG. In any reasonable solution.

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

Mr. LONG. I yield to the Senator from Washington for a question.

Mr. SCHWELLENBACH. I hope the Senator from Louisiana realizes that in order to get any unanimous-consent agreement from the Senate he must, in addition to the leaders who have been referred to, get the consent of the new Members of the Senate, taking into consideration the fact that within the last half hour each one of them has gone out and drunk three cups of coffee, which will enable them to stay here for another 12 hours while the Senator from Louisiana speaks.

Mr. LONG. Mr. President, they have not drunk any coffee. They think they have drunk coffee. That stuff is nothing but slop. If Senators had ever had a cup of coffee down in Louisiana, they would realize that there was no one in Washington who knew how to make coffee.

They do not know how to make coffee up in this part of the country. I know what I am speaking of. They boil the coffee grounds with a little water, all right; stew it up, burn it a little bit, but that is not coffee. I will tell Senators how to boil coffee. I have given the Senate three recipes tonight. But it takes a whole lot of science to make coffee. Of course, so long as the young Senators imagine they have had coffee that may keep them going just as well as if they had had real coffee. It may have some kind of a mental effect on them. They may get some mental stimulus out of what they have drunk, from imagining that they have had coffee. The young generation here is just kind of rebellious.

Mr. BONE. "Youth will have its way."

Mr. LONG. As the Senator from Washington said, youth will be served

Mr. SCHWELLENBACH. The Senator means the senior Senator from Washington.

Mr. LONG. Yes; I mean the senior Senator from Washington. Neither the senior Senator from Washington nor I have been here long enough to be called old Members. I was elected in 1930, and by all rules of war I should have been here about 5 years now, but I did not come here until 2 years after I was elected. I lost that part of my service as a Senator. I could not come here; I had to sit on the lid down in Louisiana in the Governor's office; and my friend, the senior Senator from Nevada, was peppering the Senate at that time with questions which were very embarrassing to me, and it was all I could do to get to the Senate and take my seat. I managed to do it by means of a great deal of fortitude.

Senators, I propound a question: Does the Senate want to confirm these men? How many Members of the Senate will say that they think they are not intelligent enough or that they do not think it proper to confirm appointees, or whether they think any harm is going to be done by the Senate confirming the members of these various boards who draw $4,000? What is the justification for opposing such a measure? That is what I am trying to get at. What is the reason and the logic and the force behind the objection? Who makes the objection? I ask. Who objects? I ask. Why do they object? I ask. What is the answer? There is no answer. No one knows the reason for objecting. No one gives any reason at all. There is no reason, I assume. If there were a reason it would have been stated, but none has been stated. No justification has been given.

Soon the sun will be rising. Four o'clock will soon be here.

The VICE PRESIDENT. Before the Chair gets someone else to occupy the chair, if the Senator from Louisiana will permit, the Chair will say that he ruled awhile ago that the Senator from Louisiana was making his second speech. After consulting with the parliamentary clerk, whose statement the present occupant of the chair misunderstood in view of the ruling by the President pro tempore of the Senate, and the fact that the RECORD shows that the Senator from Louisiana is making his first speech, the Chair desires to correct his ruling in justice to the Senator from Louisiana.

Mr. LONG. I thank the Chair. I am now making my first speech, and I have one more coming on this motion. Members of the Senate, I know, are delighted at that announcement. I know they are delighted. I can see the smiling countenances as there creeps into their understanding the hope that there might be 16 hours of sound logic coming along the lines as previously indicated. That being the case, Mr. President, I am not disposed to be hoggish about this matter. I should like to have a conference with the Senator from Mississippi [Mr. HARRISON] and the Senator from Kentucky [Mr. BARKLEY] and the young Senators at a very early date to see if I cannot convince them that we ought to vote on this bill sometime shortly after noon today. If I could get that kind of an agreement I would be happy. I should like to call in the whip of this side, the distinguished Senator from Illinois [Mr. LEWIS], to pour oil on the troubled waters and see if we cannot all reach harmony in this matter. I feel duly appreciative to that Senator in view of the motion he made for me tonight.

We need wise and sagacious counsel to see if we cannot harmonize this thing and agree on a vote by tomorrow—not tomorrow, but today. Agree on a vote on this whole question. That is what I propose to try to get an agreement for.

So, Mr. President, if the Senator from Minnesota [Mr. SCHALL] wishes to speak now, I will not detain him further from delivering his speech on this case, and I will solicit a conference with the rebellious element in this body and undertake to get harmony and understanding.

I yield the floor on my first speech.

Mr. SCHALL rose.

The PRESIDING OFFICER (Mr. CLARK in the chair). The question is on the motion of the Senator from Louisiana [Mr. LONG] to reconsider the vote by which the amendment of the Senator from Oklahoma [Mr. GORE] was agreed to. [Putting the question.] The ayes have it.

Mr. LONG. Mr. President, the Senator from Minnesota has the floor.

The PRESIDING OFFICER. The Senator from Minnesota has not claimed the floor. The Senator from Louisiana cannot demand the floor for the Senator from Minnesota.

Mr. LONG. Mr. President, I demand a division.

The PRESIDING OFFICER. The Senator from Louisiana demands a division on the motion to reconsider.

Mr. SCHALL. Mr. President——

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. SCHALL. Mr. President, courage is an attribute of God. If I had but one word with which to describe the Senator from Louisiana [Mr. LONG] I should use the word "courageous." He has put up the gamest fight I have ever witnessed or heard. He is entitled to the admiration of every American. He has taken his punishment like a man. He has displayed moral and physical stamina. He has made the sacrifice. He has been upon Mount Sinai and seen the lightning flash and heard the thunder's roll. He has partaken of the meal of locust and clothed himself with camel's hair. I admire this tremendous man and the courage he has displayed here today in preserving, so far as he can, the Republic of the United States.

Mr. President, with the aid of the clerk I desire to make some further observations and ask consent to use his eyes.

The PRESIDING OFFICER. The Senator from Minnesota——

Mr. McKELLAR. Mr. President, I object at this late hour.

The PRESIDING OFFICER. Let the Chair state the request of the Senator from Minnesota.

Mr. SCHALL. Mr. President, I cannot understand why the Senator from Tennessee should object to my having the same privilege that he has. If I had my eyes I could have the benefit of my notes, I could have the benefit of the use of my manuscript. I cannot understand why the Senator from Tennessee presumes to object to my having the same right that he has.

Mr. McKELLAR. I would not object to the Senator putting the speech into the RECORD but if the Senator undertakes to have it read at this late hour, I object.

Mr. LA FOLLETTE. Regular order!

The PRESIDING OFFICER. The regular order is the request of the Senator from Minnesota that a statement be read from the desk by the clerk. Is there objection?

Mr. McKELLAR. In view of the character of speeches that have been made here tonight, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McNARY. Mr. President——

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

Mr. SCHALL. I yield.

Mr. McNARY. This courtesy uniformly has been extended to the Senator from Minnesota. I am advised the speech is pertinent to the resolution now before the Senate for its consideration. I think under those circumstances and in view of the physical condition of the Senator, the courtesy should be extended to him.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Just a minute. The Senator from Minnesota has the floor. He has yielded to the Senator from Oregon. The Senator from Oregon has not completed his statement.

Mr. LA FOLLETTE. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator will state the point of order.

Mr. LA FOLLETTE. The Senator from Minnesota cannot yield except for a question.

Mr. BARKLEY. Mr. President, will the Senator yield to me for a question?

Mr. SCHALL. I yield for a question.

Mr. BARKLEY. May I inquire of the Senator how long is the address that he wishes the clerk to read?

Mr. SCHALL. About an hour.

Mr. McCARRAN. Mr. President——

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

Mr. SCHALL. For a question.

Mr. BARKLEY. May I inquire of the Senator further——

The PRESIDING OFFICER. Does the Senator from Minnesota yield; and, if so, to whom?

Mr. McCARRAN. Mr. President, a point of order.

Mr. BARKLEY. I wanted to ask the Senator from Minnesota if the speech he has asked to have read is his own production?

Mr. SCHALL. Oh, yes, indeed.

Mr. McCARRAN and Mr. McNARY addressed the Chair.

The VICE PRESIDENT. Does the Senator from Minnesota yield; and if so, to whom?

Mr. McCARRAN. Mr. President, a point of order.

The VICE PRESIDENT. The Senator from Minnesota has the floor.

Mr. McCARRAN. A point of order.

The VICE PRESIDENT. The Senator will state the point of order.

Mr. McCARRAN. In view of the physical impediment of the Senator from Minnesota, he should be advised as to who is rising.

The VICE PRESIDENT. There is no rule in the Senate concerning impediments of Senators.

Mr. SCHALL. Mr. President, I have had an amendment to the rules of the Senate pending for months before the Rules Committee of the Senate asking that a blind man may be given the same privileges as are given to those who can see. I cannot get a hearing and I cannot get the resolution reported out. Some day I am going to ask to discharge the committee and let the Senate vote upon the question of whether, simply because God has provided most Senators with a pair of eyes and deprived two other Senators in the Senate of the means of communicating through a written manuscript, the two latter Senators shall be denied the privilege and equality had by other Senators. I cannot understand why any Senator should assume the authority to rise in his place and object to my stating some proposition of my own. It only is equaled by the patience with which the blind man must endure such persecution.

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

Mr. SCHALL. Will that take me from the floor?

The VICE PRESIDENT. It cannot.

Mr. SCHALL. All right; let us have a quorum.

The VICE PRESIDENT. The Senator from Minnesota has the floor.

Mr. McNARY and Mr. BORAH addressed the Chair.

The VICE PRESIDENT. Does the Senator from Minnesota yield; and if so to whom?

Mr. SCHALL. I yield for a question to the minority leader.

Mr. McCARRAN. Mr. President, a point of order.

Mr. LA FOLLETTE. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator will state the point of order.

Mr. LA FOLLETTE. I make the point of order that no business has intervened and, therefore, the absence of a quorum cannot be suggested.

Mr. McCARRAN. Mr. President on the point of order I am ready for a ruling.

The VICE PRESIDENT. The Senator from Minnesota has not yielded for the purpose of a quorum call. After the Senator from Minnesota yields for the purpose of calling a quorum the Chair will pass on the question of the parliamentary status, and whether there can be a quorum called.

Mr. SCHALL. Does that take me from the floor?

The VICE PRESIDENT. It does not.

Mr. SCHALL. I yield for that purpose.

The VICE PRESIDENT. The Senator from Minnesota has the floor.

Mr. McCARRAN. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. McCARRAN. The Senator having the floor has not the privilege or the right to yield on a call for a quorum, has he?

The VICE PRESIDENT. The Senator having the floor can decline to yield for the purpose of suggesting the absence of a quorum. The Senator from Minnesota has the floor.

Mr. McCARRAN. Mr. President, will the Senator from Minnesota yield to me for the purpose of calling a quorum?

Mr. SCHALL. Yes.

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

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. LA FOLLETTE. If the Senator from Minnesota yields for the purpose of suggesting the absence of a quorum, will it not deprive him of his first speech on this question during this day?

The VICE PRESIDENT. Not under the practice of the Senate, as the Chair understands.

Mr. LA FOLLETTE. I respectfully request the Chair to recall that no business has intervened.

The VICE PRESIDENT. No business has been transacted; and if a Senator makes the point of order, as the Senator from Wisconsin indicates he will, there will be no call of a quorum.

Mr. LA FOLLETTE. I make the point of order.

The VICE PRESIDENT. The point of order is sustained. The Senator from Minnesota is recognized.

Mr. BARKLEY. Mr. President, will the Senator from Minnesota yield to me for an inquiry?

Mr. SCHALL. Yes.

Mr. BARKLEY. If the Senator will let me make an observation preliminary to the inquiry, I realize that many Senators have become impatient at this proceeding, and impatient at previous speeches delivered here and read by the clerk on behalf of the Senator from Minnesota. Notwithstanding that, however, I hope the Senators here will consent to let the clerk read this speech, in order that no charge of discourtesy or lack of patience on the part of the Senate may be brought in connection with this matter. I feel that we probably should gain time by adopting that procedure.

Mr. CLARK. Mr. President, before that request is put, I should like to propound a parliamentary inquiry, which I dislike to do, because I have recently come down to the floor from the occupancy of the chair.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. CLARK. Was the motion for reconsideration carried or lost? The occupant of the Chair at the time, who was myself, understood that the motion for reconsideration had been carried. Following that decision, the occupant of the Chair had been unable to hear any request for recognition on the part of the Senator from Minnesota, although he had been previously advised by the minority leader, the Senator from Oregon [Mr. McNARY], that the request would be made. The occupant of the Chair at that time—the present Member on the floor speaking—understood that the motion for reconsideration had been put and decided.

The VICE PRESIDENT. The Chair will say to the Senator from Missouri that he is informed that the question was put, and the "ayes" appear to have it, and no Senator objected.

Mr. SCHALL. No; I was asking for recognition.

Mr. LONG. O Mr. President, I called for a division, and the Chair granted it, and then recognized the other Senator.

The VICE PRESIDENT. Very well; then the correction will be made that the question is still pending as to whether or not the Senate will reconsider the motion. That still is the question before the Senate, the Chair is informed.

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. LA FOLLETTE. May a Senator be recognized while a division of the Senate is taking place?

Mr. LONG. Certainly; he may call for the yeas and nays, or call for a quorum.

The VICE PRESIDENT. Yes; a Senator may be recognized for the purpose of calling for a quorum.

Mr. McCARRAN. I call for a quorum.

The VICE PRESIDENT. The Senator from Minnesota [Mr. SCHALL] has the floor.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. CLARK. I grant that the entry in the Journal would control the matter; but my distinct recollection is, as the occupant of the Chair, that I declared the motion carried.

The VICE PRESIDENT. The Chair so understands, but a number of Senators say otherwise.

Mr. LONG. I was on the floor, and it could not be done. There is no question that the Senator tried to do it.

Mr. CLARK. If I may be pardoned——

The VICE PRESIDENT. Just a moment.

Mr. CLARK. The Senator from Louisiana was on the floor claiming that the Senator from Minnesota was claiming recognition, which he was not doing at the time; but the question is whether the Senator from Minnesota had claimed recognition in time to block the announcement of the vote.

Mr. BARKLEY. Mr. President, will the Senator yield? My recollection of what occurred is that the Senator from Missouri, in the chair, put the question on the motion to reconsider, and declared the motion carried. The point then was raised that the Senator from Minnesota [Mr. SCHALL] was demanding recognition; and the Senator from Missouri [Mr. CLARK], in the chair, announced from the chair that the Senator from Minnesota had not claimed recognition. That occurred after he had declared the motion carried.

Mr. LONG. Mr. President, a point of order.

The VICE PRESIDENT. The Senator from Louisiana has had the floor for 15 hours. Just a moment to let the Chair understand the situation.

Mr. LONG. All right; I desire to tell the Chair what the situation is. I desire to make a point of order.

The VICE PRESIDENT. The Senator cannot do that without permission of the Senator from Minnesota.

Mr. LONG. I will ask the Senator from Minnesota to yield to me in order that I may make a point of order.

Mr. SCHALL. I yield.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. LONG. The point of order is this:

What happened was that the Senator from Missouri [Mr. CLARK], in the chair, with lightning speed, with the Senator from Minnesota on his feet, began to say, "All in favor of the motion to reconsider will say 'aye'; those opposed will say 'no';" and so forth; and I jumped up and called for a division, and he granted a division, whereupon he had to recognize the Senator from Minnesota.

That is what happened. I hope nobody is going to dispute that simple statement, which the RECORD will show absolutely, that I called for a division in order to have that poor blind man recognized.

Mr. LA FOLLETTE. Mr. President, I renew my point of order.

The VICE PRESIDENT. Just a moment. Let us have order in the Senate, please. Let us have an orderly procedure.

Mr. LA FOLLETTE. I rise to a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. LA FOLLETTE. The point of order is that no Senator may be recognized while the Senate is dividing on a question.

The VICE PRESIDENT. The Senator is correct.

Mr. McCARRAN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McCARRAN. Has a Senator who has been the Presiding Officer a right to decide his own decisions when he returns to the floor?

The VICE PRESIDENT. He certainly has, if he tells the truth about it, and the Chair believes he does.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BARKLEY. Assuming that the decision of the Chair was that the motion for reconsideration was carried, then is the Senator from Minnesota entitled to the floor, if recognized by the Chair, on the amendment that would be pending?

The VICE PRESIDENT. No; he is entitled to recognition by virtue of the fact that he can talk about anything he wishes to talk about.

Mr. BARKLEY. I understand; but the pending matter then would be the amendment, the vote on which was reconsidered?

The VICE PRESIDENT. It makes no difference on what subject the Senator from Minnesota rises; he can talk about anything he wishes to talk about. The Chair understands, however—and he has sent for the record—that the motion to reconsider has been agreed to. The Senator from Minnesota now can talk about anything on earth he wishes to talk about.

Mr. BARKLEY. The question I propound, though, is that he is recognized on the amendment that is pending.

The VICE PRESIDENT. The Senator is recognized on any subject. He may talk about anything, including the state of the Union.

Mr. BARKLEY. I agree that he may talk about anything; but his recognition is on the Gore amendment, which is now before the Senate?

The VICE PRESIDENT. No; the Chair will state to the Senator from Kentucky that there is no question on which a Senator is recognized to speak. He may speak about anything on God's green earth when he gets the floor.

Mr. BARKLEY. Assuming that the motion for reconsideration was adopted, what is now before the Senate?

The VICE PRESIDENT. The question now before the Senate is the motion of the Senator from Mississippi [Mr. HARRISON] to concur with an amendment.

Mr. BARKLEY. I raise the point that the question before the Senate is the amendment offered by the Senator from Oklahoma [Mr. GORE] to the amendment offered by the Senator from Mississippi.

The VICE PRESIDENT. The Senator from Kentucky is correct. The question is on the amendment offered by the Senator from Oklahoma [Mr. GORE] to the amendment offered by the Senator from Mississippi [Mr. HARRISON].

Mr. McNARY and Mr. LA FOLLETTE addressed the Chair.

Mr. SCHALL. I yield for a question.

Mr. McNARY. Mr. President, the Senator from Minnesota has frankly stated that his speech will not require more than an hour. In view of the unbroken practice of the Senate, I ask unanimous consent that the clerk be directed to read the remarks of the Senator from Minnesota.

Mr. LA FOLLETTE. I object.

Mr. McNARY. Mr. President, I move that the clerk be directed to read the remarks of the Senator from Minnesota.

Mr. LA FOLLETTE. On that motion I ask for the yeas and nays.

Mr. CLARK. Mr. President, Senators on this side of the Chamber have been unable to hear what is transpiring.

The VICE PRESIDENT. The Senator from Oregon has moved that the clerk be directed to read a speech or a statement prepared by the Senator from Minnesota.

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

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

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

Adams	Bailey	Black	Bulow
Austin	Bankhead	Brown	Burke
Bachman	Barkley	Bulkley	Byrd
Byrnes	Hastings	Maloney	Schall
Capper	Hatch	Minton	Schwellenbach
Clark	Hayden	Moore	Sheppard
Connally	King	Murphy	Smith
Costigan	La Follette	Murray	Thomas, Okla.
Dickinson	Lewis	Norris	Thomas, Utah
Duffy	Lonergan	O'Mahoney	Townsend
Frazier	Long	Pittman	Trammell
Gore	McCarran	Pope	Vandenberg
Guffey	McKellar	Radcliffe	Van Nuys
Harrison	McNary	Russell	Wagner

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

The question is on agreeing to the motion of the Senator from Oregon that the clerk be directed to read the speech of the Senator from Minnesota [Mr. SCHALL].

Mr. McNARY. Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. McNARY (when his name was called). On this vote I have a pair with the senior Senator from Arkansas [Mr. ROBINSON], which I transfer to the senior Senator from Maine [Mr. HALE], and vote "yea."

Mr. THOMAS of Utah (when his name was called). On this vote I have a pair with the senior Senator from Rhode Island [Mr. METCALF]. Not knowing how he would vote, I withhold my vote.

The roll call was concluded.

Mr. AUSTIN. I desire to announce the following general pairs:

The Senator from New Jersey [Mr. BARBOUR] with the Senator from Missouri [Mr. TRUMAN];

The Senator from Pennsylvania [Mr. DAVIS] with the Senator from Kentucky [Mr. LOGAN];

The Senator from Vermont [Mr. GIBSON] with the Senator from New York [Mr. COPELAND];

The Senator from North Dakota [Mr. NYE] with the Senator from Virginia [Mr. GLASS]; and

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Mississippi [Mr. BILBO].

I am advised that the Senator from Minnesota [Mr. SHIPSTEAD] would vote "yea."

Mr. LEWIS. I desire to announce the following general pairs on this question:

The Senator from California [Mr. McADOO] with the Senator from New Hampshire [Mr. KEYES];

The Senator from Illinois [Mr. DIETERICH] with the Senator from Oregon [Mr. STEIWER];

The Senator from Georgia [Mr. GEORGE] with the Senator from Maine [Mr. WHITE];

I also desire to announce that the Senator from Arizona [Mr. ASHURST], the Senator from Mississippi [Mr. BILBO], the Senator from Washington [Mr. BONE], the Senator from Arkansas [Mrs. CARAWAY], the Senator from New Mexico [Mr. CHAVEZ], the junior Senator from Massachusetts [Mr. COOLIDGE], the Senator from New York [Mr. COPELAND], the Senator from North Carolina [Mr. REYNOLDS], the Senator from Arkansas [Mr. ROBINSON], the Senator from Maryland [Mr. TYDINGS], the Senator from Montana [Mr. WHEELER], the senior Senator from Massachusetts [Mr. WALSH], the Senator from Illinois [Mr. DIETERICH], the Senator from Ohio [Mr. DONAHEY], the Senator from Florida [Mr. FLETCHER], the Senator from Georgia [Mr. GEORGE], the Senator from Rhode Island [Mr. GERRY], the Senator from Virginia [Mr. GLASS], the Senator from Kentucky [Mr. LOGAN], the Senator from California [Mr. McADOO], the Senator from Kansas [Mr. McGILL], the Senator from West Virginia [Mr. NEELY], the Senator from Louisiana [Mr. OVERTON], the Senator from Missouri [Mr. TRUMAN], are necessarily detained from the Senate.

Mr. BULKLEY (after having voted in the affirmative). I inquire if the senior Senator from Wyoming [Mr. CAREY] has voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. BULKLEY. I have a general pair with the senior Senator from Wyoming, and not knowing how he would vote, I transfer my pair with him to the junior Senator from Louisiana [Mr. OVERTON], and allow my vote to stand.

The result was announced—yeas 38, nays, 17, as follows:

YEAS—38

Adams	Duffy	McCarran	Sheppard
Austin	Frazier	McNary	Smith
Bachman	Gore	Maloney	Thomas, Okla.
Barkley	Hastings	Minton	Townsend
Bulkley	Hatch	Norris	Trammell
Byrd	Hayden	O'Mahoney	Vandenberg
Capper	King	Pope	Van Nuys
Clark	Lewis	Radcliffe	Wagner
Costigan	Lonergan	Russell	
Dickinson	Long	Schall	

NAYS—17

Bailey	Burke	La Follette	Pittman
Bankhead	Byrnes	McKellar	Schwellenbach
Black	Connally	Moore	
Brown	Guffey	Murphy	
Bulow	Harrison	Murray	

NOT VOTING—40

Ashurst	Couzens	Johnson	Reynolds
Barbour	Davis	Keyes	Robinson
Bilbo	Dieterich	Logan	Shipstead
Bone	Donahey	McAdoo	Steiwer
Borah	Fletcher	McGill	Thomas, Utah
Caraway	George	Metcalf	Truman
Carey	Gerry	Neely	Tydings
Chavez	Gibson	Norbeck	Walsh
Coolidge	Glass	Nye	Wheeler
Copeland	Hale	Overton	White

So Mr. McNary's motion was agreed to.

The PRESIDENT pro tempore. The Clerk will read.

The Chief Clerk read the speech of Mr. Schall, as follows:

THE TWO RICHBERGS AND THE LITTLE RICHBERGS

Mr. SCHALL. Mr. President, there is a provision of the United States Constitution which reads:

> Article X of the Bill of Rights: The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States, respectively, or to the people.

There is another provision—article IV, section 4—which reads:

> The United States shall guarantee to every State in this Union a republican form of government.

Because Donald R. Richberg, one of the accredited "brain trust" authors of the N. R. A., and the fourth successive administrator thereof in 2 new-deal years, and the special attorney of the administration in the "sick chicken" case recently decided by the Supreme Court, overlooked these two provisions of the Constitution he has now penned his resignation and returns to his private law practice in Chicago.

He has lost his reputation as a lawyer following the declaration of the Supreme Court which decided the "sick chicken" case pursuant to the above provisions of the Constitution.

Richberg has lost his standing with the very class—organized labor—whose chief counsel he once was. John L. Lewis, head of the mine workers, denounces him as a "traitor to labor."

President William R. Green, of the American Federation of Labor, gives Richberg this unsavory parting shot:

> There are two Donald Richbergs—the one who was attorney for the railroad brotherhoods and the Richberg of the Recovery Administration. The legal opinions of the two are so diametrically opposite we wonder what has happened.

The reason for this conflict of legal minds in the two Richbergs is not hard to find. As attorney for labor in former days he was bound by the Constitution, which begins with the preamble:

> We, the people of the United States.

On the other hand, the second Richberg is bound by the edict of the Commander in Chief of the Army and Navy, the orders of the "chief allocator" of the new deal, whose will became the law of the land to the extent that he commandeered both the legislative and executive powers of Government and assumed the judiciary.

The first Richberg followed the Constitution which represented the will of the sovereign people. The second Richberg attempted to follow the changing will of the new Fabius Maximus.

The first Richberg knew as his sovereign guide the people of the United States who reserved to themselves and the States the powers not delegated by them to Congress, the President, and the United States Supreme Court.

The second Richberg as in the case of that English archbishop who exclaimed:

> Had I served my God with half the zeal I served my king, He would not thus have left me naked to mine enemies.

In the "sick chicken" case, which the second Richberg had chosen as the perfect test of the N. R. A., he found himself between Scylla and Charybdis. He had charted his official skiff between those two rocks in the narrow strait between Italy and Sicily, under the cliff of one of which dwelt the monster who sucked up all wayward boats, and in the cave of the other of which dwelt the "fierce monster who barked like a dog", as tradition tells us.

The Supreme Court had wrecked his legal craft by citing the Constitution with regard to the rights and powers of the States. The White House, from its cave, had barked about the 48 State laboratories which cramped the style of the Commander in Chief of the Army and Navy and the bureaucratic ascaridae.

So, twice shipwrecked, and his Blue Eagle flag gone with the wreck, there was nothing for the navigator of the N. R. A. to do but to swim for home—the very Chicago in which his Commander in Chief had in 1932 pledged his 100-percent support of the platform which carried the pledge:

> Strict and impartial enforcement of the antitrust laws to prevent monopoly.

A 100-percent pledge which both the Commander in Chief and the N. R. A. itself had repudiated by suspension of the antitrust laws.

What will be the reaction in the home towns of our Senators and Congressmen who are lawyers, as a result of their votes for this unconstitutional legislation? In order to be consistent with the new deal those who have joined in this program, when they return to the practice of law, will no doubt have on their stationery and on their signs appended after their names as lawyers "Unconstitutional law guaranteed."

The lesson of the two Richbergs and the little Richberg lawyers seems to be plain. It applies not only to Richberg, but to all officeholders and statesmen who sail under the banners of a "double deal."

Just as no navigator can avoid the rocks of both Scylla and Charybdis, so no statesman can at one and the same time embrace both the Constitution and the new deal. He cannot stand at one and the same time on Prof. Rexford Guy Tugwell's "government of men" and on the Constitution's "government of laws" which Tugwell says is a "fiction."

The statesmen who for 40 years have stood for the Sherman Act and the Clayton Act and for Theodore Roosevelt's and Woodrow Wilson's Federal Trade Commission Act, and have stood 100 percent for "strict and impartial enforcement of the antitrust laws to prevent monopoly", cannot with impunity turn about face and suspend those antitrust laws and extend a Federal franchise to monopoly.

In short, if we serve our God and the Constitution with half the zeal we serve our White House king, who is allocator of $5,000,000,000, the people of the United States will not leave us naked to our political enemies. If we march under the Stars and Stripes with half the enthusiasm with which we march under the Blue Eagle of dictatorship, we shall not be in the case of "Cracker-down" Johnson and the two Richbergs.

In the administration of the N. R. A. in the 2 years of its disastrous voyage and shipwreck, the future historian, following the example of the prophet, may say:

"Here dwelt under the folds of the Blue Eagle these four—Richberg, Walker, Williams, and 'Cracker-down' Johnson—but the greatest of these was 'Cracker-down' Johnson, because 6 months before the funeral Johnson had said, 'The N. R. A. is dead as a dodo.'"

Three administrators succeeding Johnson had dwelt under the illusion—dead but not buried. They waited for the Su-

preme Court to order the funeral. They seemed to think that the people of the United States had no sense of smell. But they could not fool the nine Justices of the United States Supreme Court.

So, Richberg is departing for Chicago without waiting for the funeral, while Franklin D. Roosevelt departed for Hideaway Park to sulk, ostensibly to look after his political fences and livestock. Indeed, the newspaper photo of the rear-platform scene at Union Station showed the two dukes of Dutchess County, N. Y., both Franklin Delaware Roosevelt and H. Morgenthau, Jr., going back to their feudal estates for a week and leaving the remains of N. I. R. A. in the hands of Congress with "Cracker-down" Johnson as the sole pallbearer.

Since the House bill, which it is claimed leaves nothing of the N. R. A. but the tail feathers, has reached the Senate, what is the Senate going to do with the tail feathers? Shall we embalm the tail feathers and mount them in the Smithsonian Institution or shall the tail go with the hide?

If we embalm them, as this administration is now conniving to have us do, this queer administration of megalomania ideas which has no respect for its own word, the fundamental laws of our country or of God, will immediately try to make some strange monster of it in whose name it could reusurp more intimidating tyrannical power to further its reelection in '36. Revelation by St. John predicted this seven-headed monster, in whose name "the one who came after", ruled and placed upon the brow or the hand of those who labored by brain or brawn, in the marts of trade, the mark of the beast. Is the mark the Blue Eagle, the N. R. A., the A. A. A., or any or all the other 57 varieties of bureaus, 731 codes, and the 13 commissions which this administration has stamped upon the forehead and the hand of Uncle Sam?

It is written by the Revelator that there were those who would not bow down to the beast and accept the mark in their forehead and in their hand but who remained loyal to the principle of righteousness and thereby retained the mark of the living God in their forehead and in their hand. The "beast wore out the saints of the most High" for a certain time, but the Lord raised them up and gave them power and strength and sent them forth to represent his kingdom. How like the foreign Fabian Society the actions of this beast!

Our Republic, founded upon the teachings of Christ, attempting to keep the faith, is persecuted, maligned, and threatened with destruction because that Constitution guarantees freedom of speech, freedom of press, and freedom to worship and serve God as we choose.

And John further said of the seven-headed monster that one of the heads was wounded and bleeding, and while he looked it healed. The Supreme Court has dealt the mortal wound to the illegal trust combinations, and even now while we watch, the healing process, through the wiles of this administration, is taking place. The House, at his command, passes what is called the "retention of the skeleton of the N. R. A." But in that skeleton is secretively hidden the power, with the aid of the Executive, to nullify the antitrust laws for his favorite international trusts, while putting the political pressure upon those who believe in the Constitution, upon those who still have upon their brow and in their hand the sign of the living God, the very thing the unlawful N. R. A. was created to do, and the very thing the Supreme Court says it cannot do.

Such persistence to annul our fundamental law can only be attributed to those of willful intent, bent upon the destruction and the annihilation of the Republic of the United States.

I pray that honest labor will not be led blindfold into this international Fabian trap to create strife and strikes to help further the planned chaos, that he as Commander in Chief of Army and Navy will be given the foundation upon which he can issue his riot edict. Let them look for no mercy or favor or keeping of promises from this ruthless man, who is leaving no stone unturned to realize his prediction that he will be the last President of the United States.

If, through the profligate use of the five billion campaign fund, and another five billion to be allotted by this spineless Congress in the next session, he succeeds in his reelection ambition, the Republic of the United States will be a thing of history, for upon its shattered ruins this Caesar, this Napoleon, this Chief of the Army and Navy will have built his throne.

Are we going to represent the folks at home and support the Constitution we are sworn to uphold, or shall we follow the example and deserve the fate of the two Richbergs?

We are happily faced with an honorable solution, namely: Restore the antitrust laws and refer the remains of N. I. R. A. to the Federal Trade Commission, our official undertaker.

We have the opportunity to renew our allegiance to those provisions of the Constitution, article X, in which the people reserve to themselves the powers not delegated to the Government, and article IV, section 4, in which the Constitution guarantees to every State in the Union a republican form of government.

We can be true to our respective States, true to ourselves, true to our God, and true to the interests of the people who elected us if we embrace these opportunities to perform our plain duty.

But we cannot trim and straddle—one foot on land and one on sea—one on the Constitution given us by the people and one on the shifting quicksands of "bold experiment", betraying every word of the very platform upon which the President was elected; one foot on our pledges to support the Constitution and one on the fears of a $5,000,000,000 White House allocation, unless we elect to emulate the example and the fate of the two Richbergs and the two Dromios.

A once famous favorite of a fickle king finally closed his career with the wail, "Farewell, a long farewell, to all my greatness." Let us not succumb to the wiles of that "double deal", though it may, like the forces of dark, make promises it can never keep and never intends to keep. The bribe, which has always been the devil's method of destruction, will not swerve those who are loyal. Paul says, "You can't serve the devil and God at the same time." Joshua says, "Choose you this day whom ye will serve. As for me and my house, we will serve the Lord."

Let us by our vote against this N. R. A. redeclare our Republic and renew our devotion to the people, the sovereign power, the Constitution.

LAWYER BURTON ON COMMUNISM

Mr. President, I want, while I have the floor, to digress a few minutes from direct discussion of the pending issue, but which is indirectly tied up with it.

Mr. President, France in 1789 decided, by way of a bloody revolution, to throw off the yoke of an absolute monarchy where the king could do no wrong and accept a government drawn on the American plan, which plan had been drawn in accordance with the philosophies of French philosophers such as Rousseau and Montesquieu. During the 150 years since, France has had her ups and downs, but now appears to face the inevitable result of an unbalanced budget, either raise taxes or devalue the currency. Four ministries have fallen in a week and the Communists are bent on the destruction of her Republic.

Conditions that led to her crisis are at work here; the symptoms are the same. "Are We to Surrender to Communism" is the title of an article written by Mr. H. Ralph Burton, a prominent lawyer in the District of Columbia, which sets forth the steps taken by the Bolsheviks on the theory that the end justifies the means. The end sought is the abolition of private property, the nationalization of women, and the destruction of the church. Their planned economy or collectivist state cannot be attained with these institutionals of a capitalistic society remaining to support it. Only by obliteration of the church, family, state, and schools and their subjugation to the end that the state may be all powerful can their model plan be put into effect.

Comrade Tugwell represents this philosophy in the new deal. He approves of a government of men, not of laws. He advocates a planned economy and changes in the Con-

stitution to bring about such a state. He wants the Constitution amended or destroyed, so as to transfer powers now exercised by the States to Washington, placing farming, mining, and manufacturing under the President, as has been done illegally and unconstitutionally under the new deal up to now on the pretext of a war on depression and an emergency necessitating such powers.

Governor Olson of my State says the capitalistic system has failed and that banking, manufacturing, mining, packing, and public utilities should all be functions of the State and if the Minnesota Leader is a criterion, he is now ready to support Mr. Tugwell on the proposition that the Federal Government should be given the necessary powers that President Roosevelt deplores the Constitution does not contain that he may change the Government from what is was in the "horse and buggy" days back to the Roman-chariot days when the first emperor of Rome, Sulla, ruled for 2 bloody years and Cataline bribed the public with doles.

For some reason the President has completely reversed himself on the proposition of State rights from his stand of years ago, when he said it is fortunate that we have 48 States to work out the problems of our Nation and heartily defended the right of the State to look after its people and not have all functions transferred to the Federal Government such as he now advocates.

The Roosevelt-Tugwell-Olson combination may deplore the fact that our Federal Government does not have the powers that the central governments of Europe have and may seek to enlarge upon the right of the Federal Government to encroach on the rights of the State in accordance with the totalitarian state ideas of Russia, Germany, and Italy, but the American people may rise in their wrath and say as did Daniel Webster on the one hundredth anniversary of the birth of George Washington when he said:

"Other misfortunes may be borne or their efforts overcome. If disastrous wars should sweep our commerce from the ocean, another generation may renew it; if it exhaust our Treasury, future industry may replenish it; if it desolate and lay waste our fields, still, under a new cultivation, they will grow green again and ripen to future harvests. It were but a trifle even if the walls of yonder Capitol were to crumble, if its lofty pillars should fall, and its gorgeous decorations be all covered by the dust of the valley. All these might be rebuilt. But who shall reconstruct the fabric of demolished government? Who shall rear again the well-proportioned columns of constitutional liberty? Who shall frame together the skillful architecture which unites national sovereignty with State rights, individual security, and public prosperity? No; if these columns fall, they will be raised not again. Like the Coliseum and the Parthenon, they will be destined to a mournful and melancholy immortality. Bitterer tears, however, will flow over them than were ever shed over the monuments of Roman or Grecian art; for they will be the remnants of a more glorious edifice than Greece or Rome ever saw—the edifice of constitutional American liberty."

On this very day the land of Lafayette and of Rousseau is struggling with the question of surrendering to the Communists. All about us there surges the propaganda that we must have a strong centralized bureaucracy in Washington to cope with our problems. A constitutional amendment is suggested as our solution granting this authority for the sake of a planned chaos—a totalitarian state. President Roosevelt, no doubt, will advocate such an amendment. Governor Olson, of Minnesota, who said he is not a liberal but is what he wants to be—a radical—has endorsed similar doctrines of an all-powerful state. In March 1934, in a speech to the Farmer-Labor convention, he predicted that the United States Government would take over the industries of the country in 6 months. He had undoubtedly been reading of the six great holding companies organized secretly by the Government in Delaware, which his platform of that year closely followed, and which are prepared when the time becomes propitious for this administration to take over all private industry of the country.

In 1924, at the Farmer-Labor convention in St. Cloud, William Dunn, one of the three Communist brothers famous strike agitators, was the floor leader of the forces that nominated Governor Olson as candidate for Governor. Norman Gallentine, who was at that time an organizer of the Communist Party, lined up the delegates for Governor Olson. William Dunn spoke on the floor in Olson's behalf.

It is impossible for the people to know the facts under the strict censorship of this administration; but when they do, they, and they alone, should decide the question. The hour of decision is at hand, and every American should lend his voice and pen and money to seeing to it that the people do understand what has been going on here at Washington and elsewhere behind the scenes in preparation for the destruction of the Republic and the Constitution.

I desire to read into the RECORD as part of my remarks the following article, by Mr. Burton, printed in the Carolinas Magazine for June 1934, and an article on communism and socialism, by Henry Whitefield Samson, from the Presbyterian for March 15, 1934:

ARE WE TO SURRENDER TO COMMUNISM?

By H. Ralph Burton

We consider the article which follows extremely timely, in view of the fact that so many of our people are all too prone to embrace and adopt some of the strange "isms" and dogmas that are represented as a certain cure for our economic ills. To steer clear of that borderland of woe which is so ably portrayed herein, it behooves us all as loyal American citizens to think with clear minds before we would ally ourselves or have anything in common with any group or groups whose purposes and aims are in conflict with the great principles of government so ably sponsored by those two great Americans, Washington and Jefferson.

"Government of the people, by the people, and for the people", for the first time since the great Lincoln emblazoned those words across the skylines of our democracy, expressing the prayer that it might not perish, is in danger through insidious activities on the part of the reds. Call them by any other name you choose, but nothing conveys the picture to the average person quite so well, although the appellations of "Bolshevik", "Communist", and others have come to be quite synonymous, so far as the various principles are concerned. Ever since Russia, in 1917, fell under control of the forces of communism, the United States has been marked for slaughter by the same leaders, their satellites, or their disciples, now in our midst, and, strange as it may seem, their intention to subject this country to their revolutionary doctrine has been no secret. It is, indeed, a sad commentary that our people have consistently overlooked the peril which has been slowly advancing through deceptive measures disguised as emergency needs until its talons have become so firmly fixed on our throats that only a Herculean effort will prevent us from being destroyed or, what is worse, enslaved as have been the Russians under the autocracy of despots.

It is very difficult, almost impossible, for people generally to believe in the existence of a definite plan by one element of society against another, particularly where the motives are, for the time, somewhat obscure, and execution of the plan a matter of years, even generations; and periods of depression, such as that through which we are passing, and "passing" is used with reservations, are anticipated and selected as conducive toward, and opportune for, the furtherance of such purposes.

It is our purpose in this article to deal particularly with the Communist principle "that the end justifies the means", with their ruthlessness, and their disregard for human rights, human contentment, human suffering, or human life itself, all to the end that communism may reign supreme.

Do not be lulled into apathy by glowing reports and eulogies of the present regime in Russia, for Russia today is under control, its people intimidated by Soviet agents; their resistence reduced to nil, and their every act supervised by secret police, and its rulers can now approach other nations in the guise of altruists, believing that the heinous offenses committed by them in subjugating the Russian people have faded into the dim past. But it was another story back in bloody November of 1917, and the several years that followed when thousands upon thousands, without the mockery of a trial, were murdered; when people were driven into concentration camps where they starved or died from the frightful conditions; when churches were destroyed, and robbed of their treasures, which acts, and similar ones, are described in official British reports, the authenticity of which the editors will guarantee, examples of which follow:

Report by Colonel Kimens, acting British vice consul at Petrograd, dated November 12, 1918:

"The state of affairs in Russia is becoming daily more critical, and the reign of terror is assuming proportions which seem quite impossible, and are incompatible with all ideas of humanity and civilization. Government, properly speaking, has ceased to exist in Russia, and the only work done by the Soviet authorities is inciting of class hatred, requisitioning and confiscation of property, and destruction of absolutely everything, and world propaganda of bolshevism. All freedom of work and action has been suppressed; the country is being ruled by an autocracy which is infinitely worse than that of the old regime; justice does not exist, and every act on the part of persons not belonging to the 'proletariat' is interpreted as counterrevolutionary and punished by imprisonment, and in many cases execution, without giving the unfortunate victim a chance of defending himself in a tribunal, as sentences are passed without trial.

"The whole legislation of the country is done by decrees, which are published by the central Soviet authorities at Moscow and the northern commune at Petrograd, and are supposed to be en-

forced everywhere, but in reality this remains only on paper and the local authorities obey only such orders from which they can derive a personal profit, and ignore all others. The chaos has gone so far as the central authorities are no longer obeyed, and as a result of it every province has become a state in a state. Anarchy is rampant everywhere, villages rise against villages, peasants against peasants, and the country is entering upon an era of open interior warfare, so that if this state of things is allowed to continue only the fittest will survive.

"The prima facie reason of this state of affairs is the expropriation of landed property, and the subsequent abolition of all other property. This is the root of the whole evil which has brought Russia to the present condition.

"The first step taken in this direction was the expropriation of landed property belonging to the peasants, followed by the nationalization of town property and houses. In December 1917 the banks were seized, and soon afterwards began the nationalization of works and factories. Now all furniture is being confiscated, and people are allowed to have only a small quantity of clothes. The nationalization of trade which has now been decreed will be the final death blow to life and Russia's productive power will come to an end."

Mr. Alston to Mr. Balfour (received Jan. 4). (Telegraphic.)

VLADIVOSTOK, *January 2, 1919.*

"With the exception of the Bolsheviks, the whole population is terrorized almost to a point of physical paralysis and imbecility. Slender supplies of even the simplest food are only to be had when the watch of the Bolshevik guard weakens, and three-quarters of the people are slowly starving to death. At the expense of the poor, hoarders see their chance to realize enormous profits. Throughout the daylight hours, long queues wait to try to get half-pound of tea, potatoes, or a bit of fish. Tea may be anything up to 100 rubles per pound, coarse black bread varies from 15 to 20 rubles per pound, according to the section of the town in which it is sold, and sugar is 50 rubles a pound, when obtainable. A second-hand suit of clothes costs anything up to 2,000 rubles, and a pair of boots 800 rubles. Horseflesh is the mainstay of the population at present, but even supplies of that are fast dwindling. Five hundred hostages were taken to Kronstadt for reprisals, soon after attempted assassination of Lenin, and these were subjected to most horrible tortures. The people often prefer to starve rather than risk torture at the hands of Chinese and Lettish hooligans who form 'militia' on streets, and cower in their cellars, numbed with cold. To avoid extermination, the 'intellectuals' have largely gone into the service of Bolsheviks. Their wages are insignificant if compared even with the camp followers of Bolshevik garrisons, who, at any rate, get fed fairly regularly.

"All officers were ordered in July to report to Alexandrovsky school to be registered. About 20,000 appeared, and were shut up for three days without air, food, or sleep. Many went mad, and Lettish and Chinese Guards mercilessly bayoneted those who attempted to escape when they were finally let out.

"Residents in area around Butirsky prison abandoned their houses owing to the numerous executions of 'counterrevolutionary intellectuals.'

"Every day typhoid and tuberculosis are increasing, and ordinary population are quite unable to procure medical supplies even at the most outrageous prices.

"Infants have been nationalized and become property of State upon attaining the age of 18.

"As Petrograd has ceased to be the Bolshevik headquarters, military situation there is better. In spite of this, after the murder of Uritsky, the Bolshevik commissary, the town virtually ran with blood. Owing to there being less food even than in Moscow, the death toll from disease is much higher. This is also due to the fact that, without being buried, corpses of horses, dogs, and human beings lie about in the streets.

"Cholera took very heavy toll in summer, as all the canals are polluted with decomposed bodies of men and animals.

"Things are considerably better on Viborg side, but although Bolsheviks get food themselves, they take good care that none gets to the burgeoisie from Finland side."

General Poole to War Office—(Received Jan. 12). (Telegraphic.)

JANUARY 11, 1919.

"From intercepted radios and leaflets it is clear that, to allay hostility abroad, Bolsheviks are conducting a double campaign. Leaflets are distributed among German troops, while decrees which are not intended to be put into force, and appeals are radioed to Berlin, which show Bolsheviks in sufficiently liberal light to bring them into line with German Socialists. Appeals to unite and force world-wide revolution are made at the same time to proletariats. It is manifest from numerous deserters and refugees from central Russia, efforts to destroy social and economic life of country have not abated. There is evidence to show that commissariats of free love have been established in several towns, and respectable women flogged for refusing to yield. Decree for nationalization of women has been put into force, and several experiments made to nationalize children. I trust His Majesty's Government will not allow peace conference to be influenced by Bolshevik presentation of their case abroad, as their action at home is diametrically opposed to this."

Above taken from "A Collection of Reports on Bolshevism in Russia." Presented to Parliament by command of His Majesty, April 1919. Published by His Majesty's Stationery Office, London.

Not satisfied with torture, robbery, and murder, these Communists have proceeded upon the principle, mentioned previously, that the end justifies the means, sought the support of certain classes, offering them respectable women of Russia, and put into effect in Saratov the decree for the nationalization of women, which, subject to slight errors in translation, is as follows:

DECREE

"This decree is proclaimed by the free Association of Anarchists of the town of Saratov. In compliance with the decision of the Soviet peasants, soldiers, and workmen, deputies of Kronstadt, the private possession of women is abolished.

"Social inequalities and legitimate marriages having been a condition in the past which served as an instrument in the hands of the bourgeoise, thanks to which all the best species of all the beautiful have been the property of the bourgeoisie, who have prevented the continuation of the human race. Such ponderous arguments have induced the organization to edict the following decree:

"1. From March 1, 1918, the right to possess women having reached the age of 17 and not more than 32 is abolished.

"2. The age of women shall be determined by birth certificates or passports or by the testimony of witnesses, and in the failure to produce documents their age shall be determined by the Block Committee, who shall judge her according to appearance.

"3. The decree does not affect women having five children.

"4. The former owners may retain the right of using their wives without waiting their turn.

"5. In case of the husbands resisting, they shall forfeit the rights given in the last paragraph.

"6. All women according to this decree are exempted from private ownership and are proclaimed to be the property of the whole nation.

"7. The distribution and management of appropriated women in compliance with the decision of the above organization are transferred to the Saratov Anarchist Club. In 3 days from the publication of this decree all women given by it to the use of the nation are obliged to present themselves to the given address and give the required information.

"8. Before the information that the Block Committee are formed for the realization of this decree, the citizens themselves will be charged with such control. Each citizen noticing a woman not submitting herself to the decree is obliged to inform the anarchist club.

"9. Men have the right to use one woman not oftener than three times a week for 3 hours, observing the rules specified below.

"10. Each man wishing to use a piece of public property should be the bearer of a certificate from the Factories Committee, Professional Union of Workmen, Peasants and Soldiers Council, certifying that he belongs to a working class.

"11. Every workman is obliged to discount 2 percent from his earnings to the general fund of general public action.

"(This discount is made by the committee of popular power which are obliged to put these discount funds with the specifications of the names and lists into the State banks. Other institutions shall hand over these funds to the Popular Government.)

"12. Male citizens not belonging to the working class in order to have the rights equally with the proletariat are obliged to pay 100 roubles monthly into the public fund.

"13. The local branch of the state bank as well as the savings Bank are accredited places.

"14. All women proclaimed by the decree to be national property will receive from the funds an allowance of 238 roubles a month.

"15. All women who become pregnant are released from the direct duties for 4 months, 3 months before and 1 month after childbirth.

"16. Children born are given to an institution for training after they are 1 month old, where they are trained and educated until they are 17 years old at the cost of the public funds.

"17. In case of birth of twins the mother is to receive a prize of 200 roubles.

"18. All citizens, men and women, are obliged to watch carefully the health and to make each week an examination of the urine and the blood. (The examinations are made daily in the laboratories of the eugenic bureau.)

"19. Those guilty of spreading venereal diseases will be held responsible and severly punished.

"20. Women having lost their health may apply to the Soviet for pensions.

"21. The chief of the anarchists will be in charge of perfecting temporary technical measures concerning the recognition and support of this decree by proclaiming saboteurs, enemies of the people and counterrevolutionists, and they will be held to severe responsibility.

(Signed) COUNCIL OF THE CITY OF SARATOV."

How long this continued, no one can know, because of the strict censure of news; and in recent years it was denied by the now saintly Communist leaders; but there are reports by English officials issued under the authority of the Government and presented by His Majesty, the King, to Parliament as authentic, by his officers, one of which reports quoted above states that the nationalization of women was actually put into effect.

Let any one who does not believe this, and who will accordingly take the trouble, write to the Ambassador of Great Britain, Washington, D. C., and ask him if that telegram was not sent, and if it was not included in a "Collection of Reports on Bolshevism in Russia", an official British Government document.

It is contended that those who at present are engaged in advancing the principles of communism or collectivelsm or planning, advocate such horrors?

Let us turn back some pages of history and determine what the record of communism is, so the reader may there find the answer to the question asked.

Three times within a hundred years communism reared its hydra head in the stricken city of Paris when it was torn by the desperation of its suffering peoples; three times in a century, in one country alone, Communist leaders stood ready to inflict their doctrines at a time when human resistance was at a low ebb, susceptible to the luring lies of those ready for the long and patiently awaited opportunity. Each time repeated efforts were made to destroy government and supplant the leadership of the people with their own through ruthless murders without trial, and above all, to eliminate religion and put atheism in the place of Christianity. In November of 1793, midst the horrors of the great revolution of that period, atheism reigned supreme; the national convention abolished the Sabbath and the leaders of the Paris commune declared that they intended to dethrone the King of Heaven as well as the monarchs of the earth. Finally, November 10, 1793, the leaders of the Paris Commune—Herbert Chaumette, Nomore, and the Prussian anarchist, Clootz, prevailed upon the national convention to decree the abolition of the Christian religion in France.

Again in 1848 there was a revival of the Paris Commune with its same doctrines, and in the revolution of 1871, when all France was suffering from a devastating war, the Commune came into being with atheism to the forefront, and human carnage so horrible that words fail to describe it.

When this insurrection began in May 1848, it was only a prelude to the great Communist Rebellion of June. Fearing another demonstration of an extensive scale, the government made the necessary preparations to meet it. Finding the burdens imposed upon the national treasury too heavy to be borne, the government, in June, resolved upon the discharge of the immense army of workmen, more than one thousand in number, uselessly employed in Paris at the public expense. This alarmed the workmen, who immediately organized for another desperate struggle, for the purpose of bringing about the realization in practice of the theory of communism and socialism—a community of goods and manners.

Once more and with greater horror, if such can be conceived in the imagination of humans, communism took its toll, when after the communal elections in Paris on the 26th of March 1871, which resulted in an overwhelming majority for the Revolutionists, the Commune was organized, having its first sitting on the 29 of March. A reign of terror was now inaugurated in Paris and the outrages of 1793 were repeated. The cry of the Socialists and red Republicans was:

"Death to the priests!" "Death to the rich!" "Death to the property owners!"

Aristocrats and wealthy persons were in constant danger of being dragged to the guillotine, and more than 100,000 of the more respectable Parisians fled in consternation from the city. Priests were arrested and thrown into prison, churches were sacked and religious service was suspended, journals which supported the Versailles Government were oppressed, and several journalists were sentenced to death. The insurgents boldly avowed their determination to march to their side and disperse the national assembly, overthrow the Thiers government, and establish the "universal republic."

The Paris Commune finally grew desperate and the most shameful outrages and revolutionary excesses were perpetrated. Additional numbers of priests and nuns were thrown into prison, and at length a demand was made on the church for 1,000,000 francs, the insurgents threatening to kill the archbishop of Paris if the sum was not paid. The archbishop suffered later, with others of the church, the most shameful treatment from a band of infuriated reds.

Persons of prominence in both social and official circles have openly advocated the introduction of Communist doctrines, limitation of constitutional rights, control by centralized authority, economic planning for the entire United States, breaking down of State lines, and the establishment of a strong Federal police force—in other words, a "red army"—to enforce the orders of autocratic bureau chiefs seeking to regulate the activities of every individual, the use of his property, the hours of his work, and, in fact, every activity of his daily life. Public expressions of others, either directly or by analysis and comparison with the principles of communism, show only too clearly a desire to substitute Russian Communist institutions for those existing under our Constitution; and, that being so, where can the line of demarcation be drawn?

I think it is very fitting to conclude by quoting from the address of Daniel Webster on the one hundredth anniversary of the birth of George Washington, when he said:

"Other misfortunes may be borne, or their efforts overcome. If disastrous wars should sweep our commerce from the ocean, another generation may renew it; if it exhaust our Treasury, future industry may replenish it; if it desolate and lay waste our fields, still, under a new cultivation, they will grow green again and ripen to future harvests. It were but a trifle even if the walls of yonder Capitol were to crumble, if its lofty pillars should fall, and its gorgeous decorations be all covered by the dust of the valley. All these might be rebuilt. But who shall reconstruct the fabric of demolished government? Who shall rear again the well-proportioned columns of constitutional liberty? Who shall frame together the skillful architecture which unites national sovereignty with State rights, individual security, and public prosperity? No; if these columns fall, they will be raised not again. Like the Coliseum and the Parthenon, they will be destined to a mournful and melancholy immortality. Bitterer tears, however, will flow over them than were ever shed over the monuments of Roman and Grecian art, for they will be the remnants of a more glorious edifice than Greece or Rome ever saw—the edifice of constitutional American liberty."

COMMUNISM AND SOCIALISM

By Henry Whitefield Samson

In this day of unrest and uncertainty, many have lost faith in Almighty God and humanity; therefore, we must look at the chart and compass, which mark and point out the principles set forth by Christ in our Christian religion for guidance in this crisis.

Communism would banish God, the church, religion, the family and marriage, the home, individual initiative, and property rights and the Constitution of the United States. With consummate skill the proponents of socialism and communism have made much headway, without noise or display, in this Christian land of ours. Communism through insidious propaganda is active day and night in this country, through 300 established agencies which, under the guise of fantastic and appealing theories, are doing all in their power to abolish our religion and our Constitution. The disintegrating influence of communism is manifest in our educational institutions, where communistic, socialistic, and atheistic professors daily poison the minds of the youth of our Christian land, by these pernicious and false doctrines. Everything we are, and much that we have, is due primarily to the uplifting influence of the Christian religion. To this we owe our civilization laws, culture, art, and our philosophy. Without its uplifting influence all would be chaos.

Communism has for its avowed purpose and ultimate aim the overthrow, by armed revolution, of our Government and all other noncommunistic forms of government. This world-wide subversive effect of the communistic movement is being universally felt.

Socialism, by Karl Marx, who prided himself on being a Communist, holds up to the unemployed, hungry, homeless masses its fascinating utopias.

Socialism and communism deride all thought of God. They divide society into two classes, the wage earner (or proletariat) and the capitalist (or bourgeoisie), the former being arrayed against the latter.

Socialism advocates the abrogation of the right of all profit made in legitimate business by the alleged capitalist, claiming this must be handed over to the wage earner. Marxism claims that all profit be paid the worker, not the investor. The injustice and fallacy of such a conception are too evident. Furthermore, just exactly what a capitalist is has never been accurately defined by Marx or his followers. Evidently it is one who upholds the right of private property.

The extreme Socialist is the Communist, therefore one can appreciate their intimate relationship and similarity. Socialism and communism are founded upon class hatred and jealousy, their theories have been frequently tried, and always proved a failure. They seek to deprive those who have acquired property of the ownership thereof.

The attitude of Christ is clear in this particular, and may well receive our careful consideration. Christ unquestionably recognizes the right of private property, and its protection, and approves of a fair and adequate return therefrom. In the twenty-fifth chapter of Matthew we find the Lord went into a far country, presenting to one servant 1 talent, to another 3 talents, to another 5 talents. After a long sojourn the Lord returned, and the servants made their reports of stewardship. The 2 servants who had received 3 and 5 talents reported they had put them to the exchangers. The one receiving 3 talents had earned 3, the one receiving 5 talents had earned 5.

To these the Lord said: "Well done, thou good and faithful servant, thou hast been faithful over a few things, I will make thee ruler over many things; enter thou into the joy of thy Lord."

But the servant who had been given one talent reported he had hid his talent in the earth, returning it to his Lord. With righteous indignation his Lord severely rebukes him, saying: "Thou wicked and slothful servant, thou oughtest to have put My money to the exchangers, and then I would have received Mine own with usury" (usury meant interest). "Take, therefore, the talent from him and give it to him which hath 10 talents. For unto everyone who hath shall be given, and he shall have abundance, but from him that hath not, shall be taken away even that which he hath. And cast ye the unprofitable servant into outer darkness; there shall be weeping and gnashing of teeth."

Christ again recognized personal property rights in the Gospel of Matthew (22:17). We find the Pharisees attempting to entrap Him, saying: "Tell us therefore, what thinkest thou, is it lawful to give tribute to Caesar or not?" Then said Christ, "Show Me the tribute money", and they brought unto Him a penny, and He said unto them, "Whose is this image and superscription?" They said, "Caesar's"; then said He unto them, "Render unto Caesar the things which are Caesar's and unto God the things that are God's."

Christ clearly taught in this loyalty to the government and obedience to its law. The Roman law extended protection of

property to its citizens as well as the right to enjoy the income therefrom. Christ also emphasizes obedience and loyalty to God, thus covering the temporal and spiritual.

We must supplant certainty for uncertainty, known, tried, and proved values for theoretical and the unknown. We must "seek the shadow of the Rock in the weary land", and with childlike simplicity reach forth our hand, and allow God to lead us. Then and not till then will we find rest and "Peace, perfect peace."

May He who is the Way lead us;
May He who is the Truth teach us;
May He who is the Light guide us
Till daybreak and shadows flee away.

UNCONSTITUTIONAL DELEGATION OF LEGISLATIVE AND JUDICIARY POWERS

Mr. SCHALL. Mr. President, I was unable last Tuesday to get the floor by reason of the time limit and have been unable since on account of the scrap on the proposed N. R. A. extension to get the floor to make some further remarks on the political power bill which ought to be known as the Corcoran-Cohen Act of 1935, for the erection of a Federal utility dictatorship.

It proposes to regulate not only the interstate operations of holding companies, but the intrastate business of all persons "the substantial part of whose business" is with such companies. In short, this new "commission" has all the powers of the six holding companies having royal charters from the chief potentate for "permanent existence" as Delaware corporations.

The intrastate business of the copper company or the junk peddler "a substantial part of whose business" is to furnish copper for the transmission wires comes under executive, legislative, and judiciary powers of the Federal "commission"—notwithstanding the numerous decisions of the Supreme Court regarding unconstitutional delegation and the invasion of the powers of the States.

The intrastate business of the logging company which gets out the cedar and tamarack or other poles for carrying transmission wire, the lumber company which furnishes the crosspieces, the glass company which furnishes the wire holders, the rubber company and cotton mill which furnish the insulation, the tool or nail or screw or paint or white-lead company which furnish materials for construction or transmission, the iron and steel company which furnishes sundry metal materials, the machinery company which supplies sundry machines, the boiler and engine company which supplies the motive-power adjuncts, the coal mine which furnishes fuel, the owner of riparian rights, the electric-machine people who furnish sundry equipment, the real-estate agency which secures the power and transmission sites, the contractors who handle the numerous contracts involved, the wholesale and jobbing houses who handle the essential materials, and doubtless, the banks "the substantial part of whose business" is to finance such companies and meet their pay rolls and purchase bills—all of which are engaged in intrastate business—come under not only the executive power but under the "discretion" or legislative power, and also under the punitive or judiciary powers of this new-deal commission appointed by the Commander in Chief of the Army and Navy.

On the assumption of Attorneys Corcoran and Cohen, that a judge appointed to the bench by former Presidents may be corrupt, while a Federal commission appointed by a new-deal President will be as pure as Caesar's wife—the commission itself may be the receiver for all the holding companies in the United States, except, of course, those companies standing in royal favor and substantial subscribers to the campaign fund.

In that capacity the commission will exercise the powers of the court in naming one of its office force as receiver. Thus the Federal commission will exercise not only the executive and legislative powers over intrastate business, but likewise the judiciary powers and the powers of referee in bankruptcy through receivership and become a chancery court under the "star chamber" proceedings of English history.

Speaking of the so-called "purity" of Caesar's wife, which wife of Caesar do Attorneys Corcoran and Cohen, or their spokesmen here, mean? It must be borne in mind that Julius Caesar had a second wife, de facto, the mother of two of his sons. This wife, whom he betrothed in Egypt without benefit of clergy and brought to Rome where he kept her up to the date of his assassination by the senators, was named "Cleopatra." Was she the "Caesar's wife" upon whose purity this bill was framed? Moreover, may I inquire if her two sons, by any chance, were named Corcoran and Cohen?

This bill is unconstitutional in so many respects that it is inevitably destined for the coop of the "sick chicken", that egg-bound chicken, known as the "Blue Eagle."

It proposes to override the States. It is an unconstitutional delegation of legislative power. It proposes to invade the province of the courts. It exercises the dictatorial powers of the new deals "over there." It aims to set up here in Washington, D. C., another Kremlin, as in Russia.

Eventually it will go the way of the N. R. A. Yet, before it gets to the Supreme Court a year hence it may serve its ultimate planned economic end, namely, to destroy private ownership in pursuance of plank 14 of the Socialist platform of 1932, and in pursuance of the "planned control", which Comrade Tugwell imported from Moscow. It may accomplish its end by robbery of investors and by the bankruptcy of all private enterprises. Thereby it will be a logical Fabian measure—destroying by the process of harassment instead of by physical force of arms. It is pure collectivism, with the purity of Caesar's de facto wife, Cleopatra.

It will carry out to the end the Lenin formula—socialism plus electrification spells communism.

I note that one of the supporters of the Corcoran-Cohen Act, namely, the distinguished Senator from Louisiana [Mr. LONG], has pointed out one notable exception to the drastic rule of this bill, and that is, the section under the provisions of which there is an exemption of penalties for "Mr. Vincent Astor's Chase National Bank-Standard Oil Rockefeller Co." Will Attorneys Corcoran and Cohen explain why? Or, shall we have to consult Julius Caesar? It is very evident from the scrappy and hasty discussion that marked our deliberations on this 150-page bill that few, if any Members here, except alone the distinguished Senator from Montana [Mr. WHEELER] have any well-digested idea of this bill or group of mixed-up bills.

If the House attempts to swallow all the Corcoran-Cohen bills and patent medicines which these "brain trust" doctors have dumped into that chamber, it will have acute indigestion which may result fatally in the elections of 1936. I hope my remarks may help as a preventative. It was apparent when the bill was before the Senate from the numerous inquiries by Senators in the Chamber, that few knew which of several bills they were amending or seeking to amend and to which of several pages of the bill collection their amendments should be hung.

In short, to paraphrase an old Sunday-school hymn: "Nobody knows but Corcoran and Cohen", our unelected Senators for the State of a "raw deal" which seeks to override the 48 States abiding under the Constitution.

This Fabian socialistic measure will not be passed until Rayburn for the White House and Corcoran and Cohen for the Senate, with the White House on the telephone, constitute the congressional conference committee. Even in that event, an entirely new bill unseen by anyone except Corcoran and Cohen and/or the White House will forthwith appear in the United States Statutes as the "Corcoran-Cohen edition of the second Rayburn-Roosevelt electric communications act of the sadly cracked new deal."

ELECTRIC POWER FOR FARMS AT 1½ CENTS PER KILOWATT

Mr. President, 25 years ago the first rural electric service was established in Minnesota at 1½ to 2 cents per kilowatt-hour for surplus daytime current used by farm cooperative creameries, threshing machines, and farm homes, when the "peak time" local service for the Twin Cities was 8 to 10 cents.

At a new farm creamery station on the Minnesota River, a few miles west of Mankato, this up-to-date electric-powered farm cooperative was managed by one young man, a graduate of the State Dairy School, who turned over in his bunk on the wall when the 4 o'clock alarm clock rang,

touched a button and slept on, while the electrically operated separators did all the rest—until at breakfast time, 3 hours later, the butter was ready for salting and stowing in the refrigerator car at the side door.

And all of this work was done by the power of the stream, which by a holding company was joined to the powers of other streams that hitherto had wasted their energies in trying to carry good farm soil down to the Gulf of Mexico.

And this productive and fruitful service was done at the minimum cost of 1½ cents per kilowatt or the fraction of a mill per pound of butter, because a holding company provided the needed unit of cooperation.

That was 25 years ago, after a holding company power system had tied into one amply financed and ably managed system the rainfall districts and scattered small water powers of Minnesota and western Wisconsin.

The reason why the city domestic rate was 8 to 10 cents per kilowatt-hour, while the rural rate was less than one-fourth of that, is simple and known to all students of electric-power organization.

It seems that 85 percent of the production and transmission cost was in the "fixed charges" on the plant and investment, such as interest on the heavy investment, the taxes, insurance, riparian royalties and damages, and sundry overhead. The current operating cost was only 15 percent. Consequently, as the stream and the "fixed charges" run 24 hours a day and 365 days in the year, the problem of low-cost electric current was solved by securing 100-percent consumption of the full power of the stream or coordinated streams.

The "peak service" of the Twin Cities was for not over 2 hours in the morning and 6 hours in the evening, or less than half the 24-hour run of the stream and of the 85-percent fixed charges. This "peak service", therefore, had to pay the maximum rate to justify the existence of the plant and the investment.

The other half or two-thirds of the total tied-in rainfall and united stream capacity got the minimum rate charged for daytime industrial use in quantity, or for industrial use in quantity after "peak hours" between midnight and morning, or for rural daytime use by farmers, creameries, and other rural industries.

Thus the surplus power beyond the needs of high-cost "peak service" was marketed in the farm sections as so much byproduct, or extra revenue, after the "peak service" of the cities had met the outstanding costs, including pay rolls and maintenance, depreciation and dividends. Thereby the farmers and their cooperatives got the minimum rates to encourage the consumption of the daytime byproduct surplus. That is the simple explanation of 1½ cents to 2 cents in the country, as against 8 cents to 10 cents for city dwellers. The chief beneficiary of the holding-company system was the farmer.

But that is only a part of the story. Rainfalls in general are not uniform over any great extent of territory. Around the Twin Cities the rainfall might be 20 to 25 inches in a year. Up around Lake Superior, particularly at the great lake and swamp watershed of northwestern Wisconsin, which is the source alike of most Wisconsin rivers and one of the main sources of the Mississippi, the annual rainfall might be 40 to 50 inches. On the other hand, out on the western frontier prairies of Minnesota the rainfall might be less than 20 inches.

Thus, operated singly without a holding company to tie in the different sections into one effective system, one district would be short of power half the time, while another district might be wasting the bulk of its power capacity by drainage to the Gulf of Mexico. It was by tying in a dozen rainfall districts, both of Minnesota and western Wisconsin, into one system through the operating holding company that enabled the industries and municipalities of the entire interstate district to have adequate power at reasonable rates—with the rural districts getting the surplus at the minimum rates. It was a holding-company organization covering a wide range of rainfall districts that gave efficiency and economy to the various constituent units.

In low-water stages on the Mississippi—in the St. Anthony Falls milling district at Minneapolis, or at other Twin City, Hastings, and Winona industrial centers—it sometimes happened that street lighting and electric-car service, or mill and factory operation hung upon the heavy rainfall on the Wisconsin watershed along Apple River or in the lake and swamp district near the Lake Superior headwaters. This could be accomplished only through the holding company tying a score of water powers into one effective and dependable industrial system, at minimum costs to all, and without wastage to any because of drainage to the Gulf. There was a special need for rural consumption in the summertime, because long daylight hours cut down city lighting.

So the greatest beneficiary of all in this system of united-we-stand and divided-we-fall program was the farmer and the rural companies who got theirs at 1½ to 2 cents per kilowatt. This low rate helped build up the greatest creamery industry in the world.

I have been in Washington, in Senate and House, now 20 years. I do not know through direct knowledge how the rural service which augured so well for the rural sections 25 years ago has been working out through the intervening years. It may have been largely extended and expanded to the vast advantage of Minnesota's dairy and grain and livestock interests, and the municipal plants of the rural towns. Advancing drought area may have cut down rainfall and advanced rates. On the other hand, as in all industries and sections, unscrupulous and ambitious capitalists or politicians may have got undue control. Arbitrary executives may have been subservient electric-power tools.

It is difficult to say whether the world has suffered more from unscrupulous and ambitious politicians lusting for power or from unscrupulous and overambitious capitalists and controlled labor leaders. Many of the largest strikes of the country, within the memory of Senators seated here, have been financed by the capitalistic trusts who carried labor racketeers and strike producers on the corporation pay roll. This has happened, not only in the coal sections of the East, but even in the railroad history of the Northwest. Sometimes trusts and their labor racketeers combine to "soak" consumers. Wherever you see a self-seeking buccaneer posing as a labor leader and assuming to dictate terms to Congress and the country, it is time to investigate the source of that buccaneering attitude. Read again your Shakespeare, who asks—

> On what meat doth this our Caesar feed,
> That he is grown so great?

Under any economic or political system that may be invented the evils of the human factor—especially if you have "government by men" instead of "government by law"—are bound to creep in, for it is written:

> Man is as prone to sin as the sparks to fly upward.

One thing is certain, in the light of history—that the best government is government by and for the people under a constitution and bill of rights, under free speech and a free press, and under a government where the legislative powers are not usurped by the executive to form a Fascist dictatorship or a Soviet bureaucracy.

Self-government within the States and within the counties and municipalities affords the one dependable foundation for that eternal vigilance which is the price of liberty.

This much is fairly evident regarding rural electrification today as compared with 25 years ago: What Minnesota did then under the guidance of an intelligent and independent electorate, exercising the power of eminent domain under the police power of the State and through the cooperation of neighboring States, Minnesota can do today. All it needs is the faith of the people in their own political and moral power, without dependence on the hullaballo of strutting dictators and self-seeking bureaucrats either at home or in Washington.

"Clean the rascals out" should be the people's slogan. And that slogan is just as effective as applied to holding companies as applied to buccaneering bureaucrats. It was as effective in Jefferson's day as in Lincoln's day, in the day

of Theodore Roosevelt as in the time of the Franklin Roosevelt "emergency chaos."

Clean the rascals out! "Recovery" means recovered America. Clean the rascals out and restore government by and for the people. Clean out the Wall Street-Tammany system. Clean out the "brain trust" imitators of Moscow. Clean out the Fascist imitators of Mussolini, who are seeking even now to plunge the world into another world war to meet the Fabian ends of the war lords and munition makers.

The outstanding aim of our recovery program should be the recovery of Americanism in the United States. Recovery of the Constitution and the Bill of Rights. Recovery of a free press from the toils of one Rayburn Act, the Communications Act of 1934, and recovery of industry from the toils of another Rayburn bill drafted by the Siamese twins, Corcoran-Cohen, who now essay to assume the legislative powers of Congress.

Clean the rascals out, get the lobbyists out of this Senate Chamber, and let the men elected by the people draft our Federal laws, in the light of our Constitution as construed by our Supreme Court.

Washington and Jefferson, Lincoln and Theodore Roosevelt, Chief Justice John Marshall and Chief Justice Hughes, are safer guides than Tugwell and Richberg, than Moley and Frankfurter, and sounder jurists than Corcoran and Cohen—whatever may be the White House edict or the "brain-trust" patronage plan.

Our business here in the Senate seats of presumed statesmen is to help cure the ills that infect the body politic. Our presumed aim is to cure the ills and not kill the patient. It is plainly not our duty to kill the patient who is the victim of the ills and preserve all the ills of the holding company by a socialistic epidemic sweeping over all the States and all the powers of Government—the very disease that has engulfed the people of Russia and threatens other new-deal countries in the chaos of uncontrolled dictatorship.

Above all, we shall preserve our States, the foundation rocks of our Republic. And in this patriotic American work of 150 years, which has built here the world's greatest and freest institutions and maintains here the world's most progressive and prosperous electorate under wage and living standards elsewhere unknown, we shall preserve that Constitution which is the bulwark of our liberty and Union—the safe harbor of our destiny and the beacon of our Ship of State in a world-troubled sea.

Mr. LA FOLLETTE. Question!

Mr. McCARRAN. Mr. President, I move that House bill 7260 be made the order of business of the Senate.

The PRESIDING OFFICER (Mr. KING in the chair). The question is on the motion of the Senator from Nevada.

Mr. BARKLEY. What is the motion, Mr. President?

The PRESIDING OFFICER. The question is on proceeding to the consideration of House bill 7260.

Mr. McNARY. Mr. President, what is the bill, may I ask?

Mr. McCARRAN. The social-security bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Nevada that the Senate proceed to the consideration of the social-security bill.

Mr. McCARRAN. Mr. President, I understand that motion is subject to debate.

Mr. CLARK. I move to lay the motion on the table.

Mr. McCARRAN. Mr. President, I have the floor. I should like to know why that motion comes in at this time.

The VICE PRESIDENT. The Senator from Nevada has the floor.

Mr. McCARRAN. Mr. President, in furtherance of my motion, and in keeping with it, there are many things which the Senate might consider, and there are many things which I hope the Senate will consider, because the bill which I have moved to be made the order of business is a bill which appeals to the heart of America. When I say it appeals to the heart of America I mean that it appeals to the heart of the rank and file of the country; and when I say that it appeals and has appealed to the rank and file of the country I mean that it was possible during the past few months for a rather humble individual to gain the nomination for the governorship of a great sovereign State when, as a matter of fact, all that he stood upon so far as proclamation was concerned was the very bill which I have now moved to make the business of the Senate, except, perchance, that he dwelt upon it with respect to other phases and from other angles.

He dwelt upon it from the standpoint of what they chose in the West to term "EPIC"—"End Poverty in California." Without a single dollar, charging admission every time he held a meeting, he had overflowing audiences, so much so that it required a marshaling of the entire force of the monetary power of the great golden State of California to defeat him. Something that he spoke for—not much, but something that he spoke for—is before the Senate in House bill 7260, which I have moved to make the business of the Senate.

I think it is time that bill should come on for consideration. I think it is time that the lowly and the humble people of the country may know whether or not they are to have some consideration at the hands of the legislative branch of the Government. If they are not to have it, then perchance it may be well for them to know it now.

In that connection, may I draw the attention of the Senate to the fact that on Senators' desks and in their offices, as in my office, there are thousands of letters and post cards supporting the movement behind this particular bill. When I say "supporting the movement", I mean that people are thinking about it. They are thinking whether or not those who are out of employment in this country, who have grown into age, may have something to look forward to other than the poorhouse.

That is entirely in keeping with the situation, because, Mr. President, it is just a little while ago that we passed the greatest appropriation measure in the history of the world—a measure carrying $4,880,000,000. We were urged to pass that measure, and pass it promptly, because there were those on the relief rolls who needed the money. Those who are members of the Committee on Appropriations of the Senate will recall how representatives of the Government agencies came before the committee and asked that that joint resolution be passed, and passed quickly; but up to this hour there has not been, according to reports as I get them, a single dollar expended for work relief. Many millions of dollars, perchance, have been expended for direct relief.

Mr. SCHALL. Mr. President, will the Senator yield for a question?

Mr. McCARRAN. I yield.

Mr. SCHALL. Does the Senator admit that a start will not be made on the expenditure of this money until about the 1st of September?

Mr. McCARRAN. Mr. President, I can only answer from what appears in the columns of the press and from the reports which I receive; and I might, with propriety, say in answer to the Senator's question that a very outstanding member of the Senator's own party, and I refer to the Senator from Michigan, has introduced a resolution providing for an investigation of the Federal emergency relief fund. I am not advised as to the status of the resolution, but I think it worth while.

Mr. SCHALL. Mr. President, I join the Senator in thinking it very much worth while.

Mr. McCARRAN. I think I may with propriety express the views of the Senator from Michigan. I do not quote him, because he is not on the floor of the Senate, but his views were—and if they are not his views now, they are my views—that an investigation of this fund is imminent because the expenditure of the fund under present conditions, as I know them, may lead to something which the country will never want to hear of again. For instance, if I may quote something of which I know, the record coming from my own State, we have 95,000 population, something over 9 percent on relief, and the overhead expenses are 17 to 19 percent. I wonder where we are going when it comes to handling public funds through this peculiar agency?

Mr. SCHALL. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Minnesota?

Mr. McCARRAN. I yield.

Mr. SCHALL. Has the Senator read the recent report of the Secretary of the Treasury which states that seventeen-billion-six-hundred-and-seventy-million-and-odd dollars has been spent and contracted for over and above the receipts of the Government—$17,670,000,000 expended by this administration in a couple of years?

Mr. McCARRAN. I regret that I have not before me and have not read the report to which the Senator from Minnesota makes reference.

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

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Washington?

Mr. McCARRAN. I yield for a question.

Mr. BONE. I desire to ask the Senator a question. I realize that what seems a very large amount of money has been expended in what the Senator has referred to as an "overhead cost of disbursing useless money", but I wonder if the Senator is able to state whether or not the personnel engaged in the disbursement of the money might not themselves have been out of work and if they, not being employed, were not themselves recipients of this aid who might otherwise merely have been on the relief rolls?

I know the Senator will understand the point at which I am driving. Perhaps I can put it in another way. If I were unemployed and I were taken into the relief service and put on the rolls as an official, would not I be merely one of those receiving relief, and would it not be rather unfair to charge the relief service with the money being paid to me as a salary or compensation, whereas if I did not get it I would merely be on relief. Is not that really a part of the relief program, to expend the money, and is not the cost of administering the relief fund really a part of the rolls? I am sure the Senator will understand the point at which I am driving.

Mr. McCARRAN. I think I understand the Senator's question. I have a peculiar view about it, and I am going to answer the question in the atmosphere of my own view.

Where men are on the breadline and where 20,000,000 of the people of this country are seeking relief—and when I say 20,000,000 I refer to the report of Mr. Hopkins—I do not believe it is time for fancy salaries to those who sit in swivel chairs and administer the relief funds. I do not believe that those who sit in the offices and pay out the relief funds should be paid out of line with those who receive relief. In other words, if this is a relief situation, for God's sake, put it on the basis of relief. If a man cannot receive over $50 a month, although he may build a brick wall or a stone foundation, using just as much intellect and just as much physical energy as some other man who may sit in a swivel chair and tell the bricklayer and stonemason what he can have, then I think it is time for a scaling down if we are going to scale down at all.

As a matter of fact, I have been opposed and I am now opposed to a reduction of the wage structure of the country. I am opposed to the tearing down of the wage structure of the country, because the moment we tear it down or start to tear it down then who will tell me where the bedrock is and to what extremity we may go?

But it is said that we should start in to tear down the wage structure because we cannot compete with the labor of Japan. I draw the attention of the Senate to the fact that if we should turn over the fezzes worn by our visitors, the guests of the city of Washington, and should look closely on the flags and the bunting hung out, we would find somewhere in a corner "Made in Japan."

I wonder what that means. Do we want to tear down the wage structure of this country so that the laborer must compete with the fellow who is willing to live on a bowl of rice, and who lives because his heart is a part of the heart of the Mikado? Do we want to tear down the earnings of this country and its wage structure thus, that our toilers may have to compete with the toilers in Japan? When that day comes, I hope we shall revive the amendment which we tried to put into the $4,800,000,000 appropriation measure; and that brings me to a new thought in keeping with that subject.

I do not know whether or not other Senators have received telegrams or letters similar to those which I have received; but I may with a reasonable degree of propriety say that within the past 10 days telegrams and letters have been coming into my office, not from the toilers of the country, but from the contractors of America, asking: "Is it not possible to revive your amendment in some other bill, the reason being that now we are called upon to bid on certain projects, and when we are called upon to bid on those projects we do not know and we cannot determine what the prevailing wage scale is. Therefore, we are at a loss."

That was not unknown to us when we were making the battle for that amendment. It will become more and more known to us as we go on. It will become more and more known to those who will administer the $5,000,000,000 appropriation as they go on, because they will find themselves, day in and day out, confronted with that condition.

Mr. President, it seems to me that in keeping with the hour there should be some attention here, especially on the part of the leaders. I notice that my friend on the right is wide awake. I respectfully draw the attention of the Senate to a further situation in keeping with the bill which I have asked and moved to make the order of business. That is that unless this legislative body enacts some legislation looking to the welfare of the lowly and the humble in this country during the present session of Congress, I am at a loss to know what may be the mental attitude of millions upon millions of our people. Being at a loss to know, I wonder why we should defer the consideration of the bill; and if we should not defer it, then I ask that it be now taken up.

Mr. LA FOLLETTE and other Senators. Vote!

Mr. BARKLEY. Mr. President, I move that the motion of the Senator from Nevada [Mr. McCARRAN] be laid on the table.

The PRESIDING OFFICER (Mr. BONE in the chair). The Chair understands that the question now before the Senate is the motion of the Senator from Louisiana [Mr. LONG] to reconsider the vote by which the amendment of the Senator from Oklahoma [Mr. GORE] was adopted. The present occupant of the chair may be in error as to that.

Mr. BARKLEY. No; that vote has already been taken, and the vote by which the amendment was adopted was reconsidered.

The PRESIDING OFFICER. The present occupant of the chair, then, is in error.

Mr. BARKLEY. The Senator from Nevada [Mr. McCARRAN] has now moved to proceed to the consideration of the bill to which he has referred. It is that motion which I move be laid on the table.

Mr. McCARRAN. Mr. President, a point of order, in order that we may clarify the RECORD. My understanding is not as stated by the acting leader, but that the motion of the Senator from Louisiana [Mr. LONG] is pending; and I have moved the consideration of House bill 7260.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK. The measure before the Senate is the joint resolution extending the N. R. A.; is it not?

The PRESIDING OFFICER. It is.

Mr. CLARK. And the motion of the Senator from Nevada [Mr. McCARRAN] is to supplant that joint resolution with the social-security bill?

The PRESIDING OFFICER. The Chair understands that the Senator from Kentucky [Mr. BARKLEY] has moved to lay that motion on the table.

Mr. CLARK. In other words—this is a parliamentary inquiry—if I am correct in my view of the parliamentary situation, the effect of the motion of the Senator from Kentucky would be to leave before the Senate the joint resolution extending the N. R. A.

The PRESIDING OFFICER. That is correct. That is the way the Chair understands the matter.

Mr. HARRISON. Mr. President, a parliamentary inquiry. That would not in any way disturb the amendment offered by me. This question is only on the amendment to the amendment?

The PRESIDING OFFICER. That is the understanding of the present occupant of the chair.

Mr. BARKLEY. Mr. President, this motion does not in any way affect the extension of the N. R. A. This motion applies only to the motion of the Senator from Nevada that the Senate proceed to the consideration of the social-security bill.

Mr. HARRISON. That is the way I understood it.

Mr. GORE. Mr. President, in order to clear up the situation, so that there may be no doubt about it, I will state that I was absent from the Chamber when a division was called for on the motion of the Senator from Louisiana [Mr. LONG] to reconsider. As I understood, the ruling of the Chair was that the division was called for, but had not commenced, and that the Senator from Minnesota [Mr. SCHALL] was recognized. If that be true, the pending motion is that of the Senator from Louisiana.

Mr. NORRIS. Mr. President—

Mr. BARKLEY. The situation is not exactly that. The Senator from Minnesota would have been entitled to recognition if the Chair had recognized him on the Senator's amendment. After the reconsideration had been granted, and the motion to reconsider was declared adopted, the Senator from Minnesota was recognized on the amendment of the Senator from Oklahoma [Mr. GORE].

The PRESIDING OFFICER. The Senator from Kentucky has stated the situation as the Chair understands it to be.

Mr. GORE. That is what I desired to make perfectly clear. I was not certain about it.

Mr. NORRIS. Mr. President, I have been here, and have heard the motion made by the Senator from Nevada. It seems to me it is immaterial, so far as the present vote is concerned, whether or not the original motion has been reconsidered.

The Senator from Nevada made a motion, which under the rules he had a right to make, that the Senate proceed to consider the social-security bill. The Senator from Kentucky has moved to lay on the table the motion of the Senator from Nevada.

The PRESIDING OFFICER. That motion is not debatable.

Mr. NORRIS. It is not debatable.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kentucky [Mr. BARKLEY] to lay on the table the motion of the Senator from Nevada [Mr. McCARRAN].

Mr. GORE. On that I call for the yeas and nays.

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

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

Mr. BARKLEY. I make the point of order that, no business having been transacted since the last roll call, the quorum call is not in order.

Mr. LONG. Mr. President——

Mr. GORE. Mr. President, business has been transacted, because the very fact that the motion of the Senator from Louisiana to reconsider was voted on, and the motion carried, certainly constitutes business.

Mr. BARKLEY. Yes; but subsequently to that a point of order of no quorum was made, and the roll was called to ascertain the presence of a quorum.

Mr. LONG. Mr. President——

Mr. CLARK. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Missouri will state the point of order.

Mr. CLARK. Subsequently to the vote on the motion to reconsider there was not only a vote but a yea-and-nay vote, which developed a quorum, on the subject of whether or not the Senator from Minnesota [Mr. SCHALL] should be permitted to have read at the desk a certain speech.

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

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

Adams	Byrnes	Lewis	Radcliffe
Ashurst	Capper	Lonergan	Russell
Austin	Clark	Long	Schall
Bachman	Connally	McCarran	Schwellenbach
Bailey	Costigan	McKellar	Sheppard
Bankhead	Dickinson	McNary	Thomas, Okla.
Barkley	Frazier	Maloney	Thomas, Utah
Black	Gore	Minton	Townsend
Bone	Guffey	Moore	Trammell
Borah	Harrison	Murphy	Vandenberg
Brown	Hastings	Murray	Van Nuys
Bulkley	Hatch	Norris	Wagner
Bulow	Hayden	O'Mahoney	
Burke	King	Pittman	
Byrd	La Follette	Pope	

The PRESIDENT pro tempore. Fifty-seven Senators having answered to their names, a quorum is present.

The question is on the motion of the Senator from Kentucky [Mr. BARKLEY] to lay on the table the motion of the Senator from Nevada [Mr. McCARRAN].

Mr. LONG. Mr. President——

The PRESIDENT pro tempore. The motion is not debatable. [Putting the question.] The ayes seem to have it; the ayes have it, and the motion is agreed to.

The question is on agreeing to the amendment of the Senator from Oklahoma [Mr. GORE] to the amendment offered by the Senator from Mississippi [Mr. HARRISON].

Mr. BARKLEY. I move to lay on the table the amendment offered by the Senator from Oklahoma [Mr. GORE] to the amendment.

Mr. LONG. I ask for the yeas and nays.

The yeas and nays were not ordered.

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

Mr. BARKLEY. I make the point of order that a quorum has just been developed.

Mr. LONG. Mr. President, a moment ago business was transacted.

The PRESIDENT pro tempore. The Chair rules that business has been transacted, and the clerk will call the roll.

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

Adams	Byrnes	Lewis	Radcliffe
Ashurst	Capper	Lonergan	Russell
Austin	Clark	Long	Schall
Bachman	Connally	McCarran	Schwellenbach
Bailey	Costigan	McKellar	Sheppard
Bankhead	Dickinson	McNary	Thomas, Okla.
Barkley	Frazier	Maloney	Thomas, Utah
Black	Gore	Minton	Townsend
Bone	Guffey	Moore	Trammell
Borah	Harrison	Murphy	Vandenberg
Brown	Hastings	Murray	Van Nuys
Bulkley	Hatch	Norris	Wagner
Bulow	Hayden	O'Mahoney	
Burke	King	Pittman	
Byrd	La Follette	Pope	

Mr. LEWIS. It is now 6 o'clock in the morning and I cannot announce absent Senators as being at the departments. In this emergency, I am compelled to admit that many of them have not been able to rise to the occasion. [Laughter.] I therefore merely announce they are necessarily detained. [Laughter.]

The PRESIDENT pro tempore. Fifty-seven Senators having answered to their names, a quorum is present.

The question is on the motion of the Senator from Kentucky [Mr. BARKLEY] to lay on the table the amendment of the Senator from Oklahoma [Mr. GORE] to the amendment of the Senator from Mississippi [Mr. HARRISON].

Mr. McNARY, Mr. HASTINGS, and Mr. LONG asked for the yeas and nays.

The yeas and nays were not ordered.

The motion to lay on the table was agreed to.

Mr. BORAH. Mr. President, I now understand we have reached the amendment offered by the Senator from Mississippi [Mr. HARRISON] to the amendment of the House to Senate Joint Resolution 113. On page 2, line 2, of that amendment I desire to strike out the words "offend against existing law" and insert in lieu thereof the words "violate the antitrust laws", which would make it read:

Prohibiting unfair competitive practices which violate the antitrust laws or which constitute unfair methods of competition under the Federal Trade Commission Act, as amended.

Mr. HARRISON. I have been unable to secure a copy of the amendment which I have discussed with the Senator and with other Senators. Do I understand the Senator to offer his amendment in the form suggested by some of us, inserting the words "including the antitrust laws" after the words "offend against existing law"?

Mr. BORAH. I offer the amendment as I desired it in the first instance, but the Senator suggested a little change which I do not think will materially affect it.

Mr. HARRISON. I was going to suggest and intended offering an amendment on page 2, after the words "prohibiting unfair competitive practices which offend against existing law", to insert immediately following and before the word "or" the words "including the antitrust laws."

Mr. BORAH. How would it read then?

Mr. HARRISON. In accordance with that suggestion, I modify the amendment I have offered so that it will read:

(2) Prohibiting unfair competitive practices which offend against existing law, including the antitrust laws, or which constitute unfair methods of competition under the Federal Trade Commission Act, as amended.

Mr. BORAH. I think the legal effect of that would be the same as the effect of the amendment proposed by me.

Mr. HARRISON. The effect would be the same.

The PRESIDENT pro tempore. Without objection, the amendment, as modified, is agreed to.

The question now is on the motion of the Senator from Mississippi to concur in the amendment of the House with the amendment as modified. [Putting the question.]

Mr. LONG. Mr. President——

The PRESIDENT pro tempore. The ayes have it, and the motion is agreed to.

Mr. LONG. Mr. President, I want to speak on this matter. Do I understand that the amendment of the Senator from Idaho has already been held to be adopted?

Mr. HARRISON. The amendment which I have suggested is acceptable to the Senator from Idaho and other Senators and is included in the amendment which I have offered and which I have asked to incorporate in my motion.

The PRESIDENT pro tempore. That amendment was agreed to, and the motion to concur was agreed to. The question now is on the——

Mr. LONG. Mr. President, I want to speak on this matter a little further. As I understand, we have adopted everything except the last part of this measure?

The PRESIDENT pro tempore. That is correct.

Mr. CLARK. Everything except the joint resolution itself.

Mr. LONG. Yes; everything except the joint resolution. So there is little to be done and very little left. I want to make my remarks very brief; I will not take up much time of the Senate.

The PRESIDENT pro tempore. May the Chair state to the Senator, so that he will understand the parliamentary situation as the Chair understands it, and so that he may take any action he sees fit, that the amendment of the Senator from Mississippi, as modified by the amendment of the Senator from Idaho, was adopted, and by a viva voce vote, the motion of the Senator from Mississippi to concur in the House amendment with the amendment as modified, was agreed to.

Mr. McNARY. Mr. President, a parliamentary inquiry. What is the pending motion at this time?

The PRESIDENT pro tempore. There is no pending motion at this time.

Mr. McNARY. What is, then, the pending question before the Senate?

The PRESIDENT pro tempore. There is no question pending at the present time except the amendment to the title.

Mr. LONG. Mr. President, I wish to ask the Senator from Idaho a question.

Mr. McKELLAR. As I understand, the action on the joint resolution has been completed except for the title?

The PRESIDENT pro tempore. It has been completed.

Mr. McNARY. Mr. President, I should like to know what the parliamentary situation is.

The PRESIDENT pro tempore. The Senator from Idaho offered an amendment to the motion offered by the Senator from Mississippi, which was adopted by unanimous consent; and on a viva voce vote the motion of the Senator from Mississippi, as amended by the amendment of the Senator from Idaho, was adopted.

Mr. BARKLEY. Then there is nothing pending?

Mr. McNARY. Mr. President, that statement may be very fair; but, that being so, what is the pending amendment or motion, or what is the parliamentary situation?

The PRESIDENT pro tempore. The Chair knows of nothing at all except the amendment to the title.

Mr. McNARY. We have not reached the point of a final vote on the joint resolution?

Mr. BORAH. Yes.

The PRESIDENT pro tempore. The Chair is of the opinion that every question before the Senate has been disposed of except the amendment to the title.

Mr. HARRISON. May I say to the Senator from Oregon that I moved to concur in the House amendment with an amendment? That motion has been agreed to. I now want to offer one other motion, and that is that the Senate concur in the House amendment changing the title of the joint resolution.

Mr. McNARY. Then, that will be the final vote and it will be a complete disposition of the joint resolution. So the final vote has not been taken as yet?

Mr. HARRISON. Not until the amendment to the title shall have been agreed to.

Mr. LONG. Mr. President, I want to ask the Senator from Idaho a question. I understand the Senator from Idaho has offered an amendment to the amendment of the Senator from Mississippi by which violations of the antitrust laws are not condoned under the joint resolution?

Mr. BORAH. My understanding is that the effect of the amendment, as adopted, leaves the antitrust laws in full force and effect.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the title.

Mr. HASTINGS. Mr. President, upon the final vote there are many Senators who would like to have a yea-and-nay vote. So far as I am concerned, I am not trying to keep this session here longer than is necessary but there are many Senators who want to be recorded on the final passage. I ask for a yea-and-nay vote on it.

Mr. CLARK. Mr. President, the only question left, as I understand the situation—and that is the purpose of the parliamentary inquiry—is on the amendment to the title?

The PRESIDENT pro tempore. That is correct.

Mr. CLARK. The Senator from Mississippi made a motion to concur in the House amendment, with an amendment, which has been agreed to. I understand the request of the Senator from Delaware is to have a roll call on the question of the amendment to the title. Is that correct?

Mr. McNARY. No, Mr. President. I think the Senator has quite misunderstood. The Senator from Delaware simply desires a regular record vote on the question of the final passage of the joint resolution.

The PRESIDENT pro tempore. The final vote will be on the amendment to the title.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CLARK. What is the pending question?

The PRESIDENT pro tempore. The pending question is on the amendment to the title of the joint resolution.

Mr. McNARY. In the disposal of this question, the title does not affect the final vote on the joint resolution.

The PRESIDENT pro tempore. The final vote has been taken.

Mr. HARRISON. All we have done is to concur in the House amendment with a Senate amendment.

Mr. McNARY. Yes. That was the final vote.

The PRESIDENT pro tempore. That was the last vote; but it is not the final vote on the joint resolution.

Mr. McNARY. Mr. President, if that is the final vote on the joint resolution, I think we are entitled to a record vote. Let us have the yeas and nays.

Mr. BORAH. Mr. President, the situation as it now stands is that the joint resolution itself has been disposed of. The only remaining question is the changing of the title, which, of course, is of no significance whatsoever. The resolution of concurrence has already been voted upon.

The PRESIDENT pro tempore. That is the opinion of the Chair. The question is on amending the title.

Mr. McNARY. That is not my understanding; but if that be so, in a great spirit of fairness, I ask unanimous consent of the Senate that the vote by which the amendment of the House was concurred in with an amendment be rescinded. so we may have a yea-and-nay vote.

Mr. HARRISON. Does that request carry with it that there shall be no further debate?

Mr. NORRIS. If the Senator will couple with his unanimous-consent request that we have a roll call, to which I think he is entitled, without any further debate, there will be no objection.

Mr. McNARY. Yes, Mr. President, I ask unanimous consent that we have a record vote on the Harrison motion to concur in the amendment of the House with the Senate amendment, together with the amendment to the title, without further debate.

Mr. HARRISON. What the Senator from Oregon desires is a roll call on the motion I made to concur in the House amendment with the amendment which I offered?

Mr. McNARY. Yes.

The PRESIDENT pro tempore. The Chair understands that unanimous consent is asked that the vote by which the House amendment, with an amendment, was concurred in, be reconsidered, and that a record vote be had on the motion of the Senator from Mississippi [Mr. HARRISON] to concur in the House amendment, with an amendment, together with the amendment to the title, without further debate. Is there objection? The Chair hears none. The vote by which the House amendment to the joint resolution was concurred in, together with the Senate amendment, as modified, is reconsidered, and the clerk will call the roll for the purpose of the record vote.

The legislative clerk proceeded to call the roll.

Mr. KING (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. OVERTON], and therefore withhold my vote.

Mr. McNARY (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON]. If he were present, he would vote "yea." If at liberty to vote, I should vote "nay." I withhold my vote.

Mr. FRAZIER (when his name was called). My colleague the Senator from North Dakota [Mr. NYE] is unavoidably absent. I understand he is paired. If present, my colleague would vote "nay."

Mr. THOMAS of Utah (when his name was called). On this question I have a pair with the senior Senator from Rhode Island [Mr. METCALF]. I transfer that pair to the junior Senator from New Mexico [Mr. CHAVEZ], and will vote. I vote "yea."

The roll call was concluded.

Mr. LEWIS. At this point I announce that were my colleague [Mr. DIETERICH] present and voting he would vote "yea."

I also announce the unavoidable absence of the senior Senator from Arkansas [Mr. ROBINSON], who, if present, would vote "yea" on this question.

I also wish to announce that the Senator from Kentucky [Mr. LOGAN] and the Senator from Missouri [Mr. TRUMAN], if present and at liberty to vote on this question, would vote "yea."

I also wish to announce a special pair on this question between the Senator from Virginia [Mr. GLASS] and the Senator from Georgia [Mr. GEORGE]. If present, the Senator from Virginia [Mr. GLASS] would vote "nay", and the Senator from Georgia [Mr. GEORGE] would vote "yea."

I further desire to announce that the Senator from Arkansas [Mrs. CARAWAY], the Senator from New Mexico [Mr. CHAVEZ], the junior Senator from Massachusetts [Mr. COOLIDGE], the senior Senator from Massachusetts [Mr. WALSH], the Senator from New York [Mr. COPELAND], the Senator from Ohio [Mr. DONAHEY], the Senator from Wisconsin [Mr. DUFFY], the Senator from Florida [Mr. FLETCHER], the Senator from Georgia [Mr. GEORGE], the Senator from Rhode Island [Mr. GERRY], the Senator from California [Mr. McADOO], the Senator from Kansas [Mr. McGILL], the Senator from West Virginia [Mr. NEELY], the Senator from Louisiana [Mr. OVERTON], the Senator from North Carolina [Mr. REYNOLDS], the Senator from South Carolina [Mr. SMITH], the Senator from Maryland [Mr. TYDINGS], and the Senator from Montana [Mr. WHEELER] are necessarily detained from the Senate.

Mr. AUSTIN. I wish to announce the following general pairs:

The Senator from New Jersey [Mr. BARBOUR] is paired with the Senator from Missouri [Mr. TRUMAN];

The Senator from Pennsylvania [Mr. DAVIS] is paired with the Senator from Kentucky [Mr. LOGAN];

The Senator from North Dakota [Mr. NYE] is paired with the Senator from Illinois [Mr. DIETERICH];

The Senator from Vermont [Mr. GIBSON] is paired with the Senator from New York [Mr. COPELAND];

The Senator from Minnesota [Mr. SHIPSTEAD] is paired with the Senator from Mississippi [Mr. BILBO];

The Senator from Maine [Mr. HALE] is paired with the Senator from Florida [Mr. FLETCHER];

The Senator from Maine [Mr. WHITE] is paired with the Senator from Kansas [Mr. McGILL];

The Senator from New Hampshire [Mr. KEYES] is paired with the Senator from North Carolina [Mr. REYNOLDS]; and

The Senator from Oregon [Mr. STEIWER] is paired with the Senator from California [Mr. McADOO].

The Senator from New Jersey [Mr. BARBOUR], the Senator from Pennsylvania [Mr. DAVIS], the Senator from North Dakota [Mr. NYE], the Senator from Maine [Mr. HALE], and the Senator from Maine [Mr. WHITE], if present and at liberty to vote, would vote "nay" on this question.

Mr. BYRD. My colleague [Mr. GLASS] is unavoidably absent. Were he present, he would vote "nay" on this question.

Mr. BULKLEY (after having voted in the affirmative). I announce my general pair with the senior Senator from Wyoming [Mr. CAREY], who is necessarily absent. Not knowing how he would vote, I transfer my pair with him to the junior Senator from Wisconsin [Mr. DUFFY], and will allow my vote to stand.

Mr. CLARK. I announce the unavoidable absence of my colleague [Mr. TRUMAN]. If present, he would vote "yea."

Mr. BARKLEY. I desire to announce the unavoidable absence of my colleague [Mr. LOGAN], and to announce that if present he would vote "yea."

Mr. HARRISON. I announce the unavoidable absence of my colleague [Mr. BILBO]. If present, he would vote "yea" on this question.

The roll call resulted—yeas 41, nays 13, as follows:

YEAS—41

Adams	Burke	Maloney	Russell
Ashurst	Byrnes	McKellar	Schwellenbach
Bachman	Clark	Minton	Sheppard
Bailey	Costigan	Moore	Thomas, Okla.
Bankhead	Guffey	Murphy	Thomas, Utah
Barkley	Harrison	Murray	Trammell
Black	Hatch	Norris	Van Nuys
Bone	Hayden	O'Mahoney	Wagner
Brown	La Follette	Pittman	
Bulkley	Lewis	Pope	
Bulow	Lonergan	Radcliffe	

NAYS—13

Austin	Connally	Gore	Schall
Borah	Dickinson	Hastings	Townsend
Byrd	Frazier	Long	Vandenberg
Capper			

NOT VOTING—41

Barbour	Carey	Copeland	Dieterich
Bilbo	Chavez	Couzens	Donahey
Caraway	Coolidge	Davis	Duffy

Fletcher	King	Neely	Smith
George	Logan	Norbeck	Steiwer
Gerry	McAdoo	Nye	Truman
Gibson	McCarran	Overton	Tydings
Glass	McGill	Reynolds	Walsh
Hale	McNary	Robinson	Wheeler
Johnson	Metcalf	Shipstead	White
Keyes			

The PRESIDENT pro tempore. The amendment of the House is concurred in as amended by the modified amendment of the Senator from Mississippi [Mr. HARRISON], and the title of the joint resolution is amended.

Senate Joint Resolution 113, with the amendment of the House as concurred in with the amendment, as modified, of Mr. HARRISON, is as follows:

Resolved, etc., That section 2 (c) of title I of the National Industrial Recovery Act is amended by striking out "at the expiration of 2 years after the date of enactment of this act" and inserting in lieu thereof "on April 1, 1936."

SEC. 2. All the provisions of title I of such act delegating power to the President to approve or prescribe codes of fair competition and providing for the enforcement of such codes are hereby repealed: *Provided*, That the exemption provided in section 5 of such title shall extend only to agreements and action thereunder (1) putting into effect the requirements of section 7 (a), including minimum wages, maximum hours, and prohibition of child labor; and (2) prohibiting unfair competitive practices which offend against existing law, including the antitrust laws, or which constitute unfair methods of competition under the Federal Trade Commission Act, as amended.

And the title was amended so as to read: "A joint resolution to extend until April 1, 1936, certain provisions of title I of the National Industrial Recovery Act, and for other purposes."

Mr. LA FOLLETTE. Mr. President, may I understand the parliamentary situation? Has the joint resolution been passed?

The PRESIDENT pro tempore. The situation so far is as follows: The Senator from Mississippi [Mr. HARRISON] moved to concur in the amendment of the House with a Senate amendment as modified. The Senate amendment, as modified, has been agreed to, the House amendment has been concurred in, and the amendment to the title of the joint resolution has also been concurred in.

Mr. LA FOLLETTE. I now move to reconsider the vote whereby the House amendment was concurred in with an amendment.

Mr. HARRISON. Mr. President, I move to lay that motion on the table.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Mississippi to lay on the table the motion of the Senator from Wisconsin.

The motion to lay on the table was agreed to.

SOCIAL SECURITY

Mr. HARRISON. Mr. President, I move that the Senate proceed to the consideration of House bill 7260, the so-called "social-security bill." I desire to state that if the motion shall be agreed to, we will not proceed with the bill today, but will do so tomorrow.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Mississippi.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 7260) to provide for the general welfare by establishing a system of Federal old-age benefits, and by enabling the several States to make more adequate provision for aged persons, dependent and crippled children, maternal and child welfare, public health, and the administration of their unemployment compensation laws; to establish a Social Security Board; to raise revenue; and for other purposes, which had been reported from the Committee on Finance with amendments.

NOTICE OF SESSION ON SATURDAY

Mr. BARKLEY. Mr. President, in order that Senators may understand the program for the remainder of the week and make their arrangements accordingly, it ought to be stated that it is contemplated that the Senate will hold a session on Saturday next.

ADDITIONAL REPORT OF A COMMITTEE

Mr. CONNALLY, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 7235) to amend the act entitled "An act to make provision for suitable quarters for certain Government services at El Paso, Tex., and for other purposes", reported it without amendment and submitted a report (No. 872) thereon.

SOCIAL AIMS OF ADMINISTRATION

Mr. LEWIS. Mr. President, I submit for publication in the RECORD a brief article appearing in the Washington Star of June 10, 1935, entitled "Roosevelt Explains Social Aims at Press Conference", together with a definfiition of the new deal by the junior Senator from Nebraska [Mr. BURKE].

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Star of June 10, 1935]

ROOSEVELT EXPLAINS SOCIAL AIMS AT PRESS CONFERENCE

By J. Russell Young

President Roosevelt today in a brief and extemporaneous statement at his press conference explained the social objectives of his administration.

"The social objective, I should say, remains just what it was, which is to do what any honest government of any country would do—to try to increase the security and the happiness of a larger number of people in all occupations of life and in all parts of the country; to give them more of the good things of life; to give them a greater distribution not only of wealth in the narrow terms but of wealth in the wider terms; to give them places to go in the summertime—recreation; to give them assurance that they are not going to starve in their old age; to give honest business a chance to go ahead and make a reasonable profit and to give everyone a chance to earn a living.

"It is a little difficult to define it, and I suppose this is a very offhand definition, but unless you go into a long discussion it is hard to make it more definite. And I think, however, that we are getting somewhere toward our objective."

His remarks were in reply to a question.

DEFINITION OF THE NEW DEAL

By Senator EDWARD R. BURKE, of Nebraska

The new deal is an old deal—as old as the earliest aspirations of humanity for liberty and justice and good life. It is old as Christian ethics, for basically its ethics are the same. It is new as the Declaration of Independence was new, and the Constitution of the United States.

Its motives are the same; it voices the deathless cry of good men and good women for the opportunity to live and work in freedom, the right to be secure in their homes and in the fruits of their labor, the power to protect themselves against the ruthless and the cunning.

It recognizes that man is indeed his brother's keeper, insists that the laborer is worthy of his hire, demands that justice shall rule the mighty as well as the weak.

It seeks to cement our society—rich and poor, manual workers and brain workers—into a voluntary brotherhood of free men, standing together, striving together, for the common good of all.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until tomorrow at 12 o'clock noon.

The motion was agreed to; and (at 6 o'clock and 20 minutes a. m., Thursday, June 13, 1935) the Senate took a recess until tomorrow, Friday, June 14, 1935, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JUNE 12, 1935

The House met at 12 o'clock noon.

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

Father in Heaven, let us hear the voice of Thy unuttered word and feel the touch of that longing which worldly pleasure cannot satisfy; out of Thy fullness may we all receive. Enlarge our charity, ennoble our sacrifice, soften our tempers, and beautify the altars of our family life. Send out Thy light, O Lord. Let it radiate in our streets, byways, and alleys. Oh, may it lift financial fogs, clear business embarrassments, and revive heavy hearts. Hearken, gracious God; may we hear the song that the wayfarer sighs in silence and see the robe revealed in his rags. In the garden of our

hearts may the thorn become a fir tree and the brier a myrtle tree, and bless us all with the joy of a common fellowship. In the name of our Savior. 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. 320. Joint resolution to extend from June 16, 1935, to June 16, 1938, the period within which loans made prior to June 16, 1933, to executive officers of member banks of the Federal Reserve System may be renewed or extended.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2073. An act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes; and

S. 2796. An act to provide for the control and elimination of public-utility holding companies operating, or marketing securities, in interstate and foreign commerce and through the mails, to regulate the transmission and sale of electric energy in interstate commerce, to amend the Federal Water Power Act, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 2591. An act for the relief of Lyman C. Drake.

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. 4665) entitled "An act authorizing the filling of vacancies in certain judgeships."

ELECTION TO A COMMITTEE

Mr. SNELL. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

House Resolution 248

Resolved, That BERTRAND W. GEARHART, of California, be, and he is hereby, elected a member of the Committee on the Disposition of Executive Papers.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

PRINTING AND DISTRIBUTION OF GOVERNMENT PUBLICATIONS TO THE NATIONAL ARCHIVES

Mr. LAMBETH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6836) to provide for the printing and distribution of Government publications to The National Archives, with Senate amendments thereto, and concur in the Senate amendments, which I send to the desk and ask to have read.

The Clerk reported the title of the bill.

The Clerk reported the Senate amendments, as follows:

Page 1, line 3, strike out "That title 44 of the Code of Laws of the United States be" and insert "That chapter 23 of the Printing Act, approved January 12, 1895, as amended (U. S. C., title 44, ch. 7), be."

Page 1, line 6, strike out "the" and insert "The."

Amend the title so as to read: "An act to provide for the printing and distribution of Government publications to The National Archives."

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

Mr. BLANTON. Mr. Speaker, I reserve the right to object, though I do not intend to object, but ask the gentleman to yield so that I may get some information.

Mr. LAMBETH. I yield.

Mr. BLANTON. The gentleman is Chairman of the Committee on Printing. I rise to refer to the splendid work of our colleague, Mr. CANNON of Missouri, who spent about 15 years revising Hinds' Precedents. I understood that the money was provided for the completion of the printing of them. The plates are all up, and all that is needed is the money to print them. That is one of the most valuable works that Congress will possess, and is invaluable. What has been done about that?

Mr. LAMBETH. The bill is now on the Consent Calendar, and we hope that it will be reached next Monday.

Mr. O'CONNOR. Mr. Speaker, if the gentleman will yield, I introduced the bill and spoke to the Chairman of the Committee on Printing about it. The bill has been reported, and we hope to pass it under consent; and if not, then to pass it in another way.

Mr. BLANTON. I hope that an amendment will pass increasing the number of sets from 2,500 to 3,000. The matter is so important that I am hopeful that the gentleman from New York [Mr. O'CONNOR] and the gentleman from North Carolina [Mr. LAMBETH] will get the bill up by unanimous consent and pass it now.

Mr. LAMBETH. We hope to pass it soon.

Mr. BLANTON. The Rules Committee cannot get along without these precedents, nor can anyone else.

The SPEAKER. Is there objection?

Mr. RICH. Mr. Speaker, I reserve the right to object, to comment on the statement made by the gentleman from Texas [Mr. BLANTON]. He states that he would like to have the gentleman from North Carolina ask unanimous consent to pass the bill today. If members of the committee report bills in the usual way, they can be passed through the House under orderly procedure, but so far as asking unanimous consent to pass these bills is concerned, we are going to object to it, because it is not the correct way to legislate. We want time to consider the bills. It has been stated by the gentleman from North Carolina [Mr. LAMBETH] that this bill will come in here in the usual way, the orderly way. I hope the Membership of the House will pass it when it comes before the House, because it is a meritorious measure, but we are not going to permit under a unanimous-consent request, nor any other legislation without time to consider them carefully.

Mr. BLANTON. And my friend from Pennsylvania will be in favor of it next Monday, I hope, and then help us to pass it.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendments were agreed to, and a motion to reconsider the vote by which the Senate amendments were agreed to was laid on the table.

ALIEN VETERANS—EXTENDING FURTHER TIME FOR NATURALIZATION

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2739) to extend further time for naturalization to alien veterans of the World War under the act approved May 25, 1932, to extend the same privileges to certain veterans of countries allied with the United States during the World War, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read the Senate amendment, as follows:

Page 1, line 8, strike out "1936" and insert "1937."

The SPEAKER. Is there objection?

Mr. SNELL. Mr. Speaker, I reserve the right to object. What is meant by "allied countries"?

Mr. DICKSTEIN. A number of persons of Polish descent and also of other national stocks with whom we were allied, who had been for some time living in the United States, joined the armed forces in the World War of their native nationalities, white people with whom the United States were allies in the war, and served honorably in the World War for the same cause our soldiers fought. This simply extends the short form of naturalization as a privilege to this class of cases permitting them to appear before the Naturalization Bureau and take the oath and become citizens of the United States. The law enacted during the Seventy-second Congress, extending the time veterans under our own flag to have this short method of naturalization,

has expired and this bill continues that privilege. This bill was passed by unanimous consent in the House. Every patriotic organization and the American Legion and Veterans of Foreign Wars have supported it. It is a humane act due to the veterans who served in the World War.

Mr. SNELL. This bill has passed the House and the Senate and the gentleman is asking to agree to the Senate amendments?

Mr. DICKSTEIN. Yes. The Senate feels they ought to get more time and clean them all up.

Mr. SNELL. How much is it extended?

Mr. DICKSTEIN. One year.

Mr. BLANTON. Reserving the right to object, that is 1 year in addition to the House provision?

Mr. DICKSTEIN. Yes.

Mr. BLANTON. How many will this effect?

Mr. DICKSTEIN. I do not think there will be more than several thousand.

Mr. BLANTON. How many thousand?

Mr. DICKSTEIN. About two or three, I think.

Mr. BLANTON. Does it limit it to those who served in combat service in France?

Mr. DICKSTEIN. It limits it to those who served in our war.

Mr. BLANTON. To those who actually had combat service in France?

Mr. DICKSTEIN. That is true.

Mr. BLANTON. It does not permit aliens who did only a few months uniform service to have this privilege?

Mr. DICKSTEIN. I do not believe that. If the gentleman will remember——

Mr. RANKIN. Mr. Speaker, for the time being I am going to object. I think this ought to be looked into a little more carefully.

The SPEAKER. The gentleman from Mississippi objects.

NATURALIZATION OF CERTAIN RESIDENT ALIEN WORLD WAR VETERANS

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2508) to authorize naturalization of certain resident alien World War veterans.

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

Mr. RANKIN. Mr. Speaker, reserving the right to object, I want to say to the House that there has been too much of this frittering away of our immigration laws. From this time on no bill which affects immigration and naturalization in this country is going to be taken up and passed without due consideration if I can prevent. I object, Mr. Speaker.

INTERSTATE COMPACTS

Mr. TOBEY. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

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

There was no objection.

Mr. TOBEY. Mr. Speaker, the Federal Constitution makes provision for the adoption of interstate compacts between States in various portions of the country on legislation pertaining to that section.

The recent decisions of the Supreme Court have focused attention upon the possibility of utilizing such compacts to enact legislation in the interest of labor, industry, and agriculture.

It is my pleasure today to introduce in this House such a compact embracing the New England States, New York, and Pennsylvania.

A meeting was held in Concord, N. H., a year ago and signed by the representatives of those States. These signatures made the compact an accomplished fact. It has now been ratified by the Legislatures of Massachusetts and New Hampshire, and when and if it shall be adopted by the Congress, it will become law. It will be the first interstate compact on labor legislation in the country. This compact, in the last analysis, provides uniform standards for conditions of employment, particularly with regard to the minimum wage.

Senator WALSH in the Senate and I in the House have today introduced this legislation, and I count it a privilege and an honor to so do in behalf of my State.

CENTRAL STATISTICS BOARD

Mr. HARLAN, from the Committee on Rules, presented the following report (Rept. No. 1165) on the bill (H. R. 7590) to create a Central Statistical Committee, Central Statistical Board, etc., for printing in the RECORD:

House Resolution 249

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for consideration of H. R. 7590, "a bill to create a Central Statistical Committee and a Central Statistical Board, etc." That after general debate, which shall be confined to the bill, and shall continue not to exceed 1 hour, to be equally divided and controlled by the Chairman and ranking minority member of the Committee on Expenditures in the Executive Departments, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendments the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit, with or without instructions.

CUSTODY OF FEDERAL PROCLAMATIONS, ORDERS, REGULATIONS, ETC.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6323) to provide for the custody of Federal proclamations, orders, regulations, notices, and other documents, and for the prompt and uniform printing and distribution thereof, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. SUMNERS of Texas, CELLER, and PERKINS.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday. The Clerk will call the committees.

Mr. VINSON of Georgia (when the Committee on Naval Affairs was called). Mr. Speaker, I think it pertinent to call to the attention of the House that the Committee on Naval Affairs is asking consideration of three bills—S. 1611, H. R. 5532, and H. R. 5730.

EXCHANGE OF LANDS BETWEEN RICHMOND, FREDERICKSBURG & POTOMAC RAILROAD CO. AND UNITED STATES AT QUANTICO, VA.

Mr. VINSON of Georgia. Mr. Speaker, I call up the bill (S. 1611) to authorize an exchange of lands between the Richmond, Fredericksburg & Potomac Railroad Co. and the United States at Quantico, Va. I ask unanimous consent that the same may be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized on behalf of the United States to accept from the Richmond, Fredricksburg & Potomac Railroad Co., a corporation of the State of Virginia, free from all encumbrances and without cost to the United States, all right, title, and interest in fee simple in and to the following lands, together with all the right, title, and interest in and to the platted streets and riparian rights in Quantico Creek as may attach to the lots conveyed in subsection (a):

(a) Lots nos. 21, 22, 23, 38, 39, 51, 58, 59, 72, and 85 in the town of Carborough, county of Prince William, State of Virginia, as shown on the original plat filed with the condemnation of the above lots by the Potomac Railroad Co., that lie to the east of a line drawn 100 feet east from and parallel to the present center line of the Richmond, Fredericksburg & Potomac Railroad Co., purchased from the Potomac & Manassas Railroad Co. by deed dated August 15, 1871, recorded January 1, 1872, in the clerk's office of Prince William County in deed book no. 28, page 452, excepting therefrom that portion of lot no. 22, sold by the Potomac Railroad Co. to J. W. Norton by deed dated November 24, 1883, recorded in the clerk's office, Prince William County, on December 8, 1883, in deed book no. 34, page 424, which portion is more particularly designated and described as lot no. 22-A on plan marked "V. D. 41-4, R. F. & P. R. R. Co. Proposed exchange of lands at

Quantico, scale 1"=100 feet, dated October 1, 1932, revised September 4, 1933", beginning at the United States Marine Corps Reservation corner no. 154 along the boundary between the United States Marine Corps Reservation and lot no. 23, south 55°16' E., a distance of 38.3 feet to the corner of lot no. 23, the place of beginning; thence along boundary line of United States Marine Corps Reservation south 55°16' E. 131.7 feet to boundary monument no. 153 of United States Marine Corps Reservation; thence on said boundary line north 34°44' E. 141.6 feet to a point; thence leaving said boundary line north 64°46' W. 60 feet to a point; thence north 78°46' W. 48.5 feet to a point; thence south 59°54' W. 64.5 feet to a point; thence south 34°43' W. 53.8 feet to the point of beginning, containing 0.348 of an acre.

(b) That certain parcel of land lying on the west side of the right-of-way north of Potomac Avenue, town of Quantico, county of Prince William, Va., beginning at a point where the western right-of-way line of the Richmond, Fredericksburg & Potomac Railroad Co. intersects the northern curb line of Potomac Avenue; thence along said western right-of-way line in a northerly direction 316.3 feet to a point; thence at right angles in an easterly direction 20 feet to a point; thence by a line parallel to the present western right-of-way line and 20 feet east from it in a southerly direction 175.3 feet to a point; thence at right angles in a westerly direction 7.5 feet to a point; thence in a southerly direction by a line parallel to and 12.5 feet east from the present western right-of-way line, 139 feet to a point on the northern curb line of Potomac Avenue; thence in a westerly direction along said northern curb line of Potomac Avenue 13.2 feet to the point of beginning, containing 5,256 square feet, subject however, to the easement for a right-of-way for ingress and egress to the rear of the building leased to the Mutual Ice Co. over and through the above-described lot; said parcel being more particularly shown outlined in red on the map marked "R. F. & P. R. R. Co.—Location Plan Buildings, Tracks, etc., Potomac Avenue, Quantico, Va., dated November 13, 1931, no. 10-D-27."

The above properties, when transferred to the United States shall become a part of the Marine Corps Reservation, Quantico, Va.

SEC. 2. In exchange for the above-described lands, the Secretary of the Navy is authorized to transfer by appropriate conveyance to the Richmond, Fredericksburg & Potomac Railroad Co., free from all encumbrances, and without cost to the Richmond, Fredericksburg & Potomac Railroad Co., all right, title, and interest of the United States in and to the lands contained within the Marine Corps Reservation at Quantico, Va., described generally as follows:

(1) Those two small parcels of land, part of what is known as the "Shipping Board tract" as shown on the map of the United States Marine Corps Reservation, Prince William County, Va., dated June 25, 1920, signed Thomas J. Brady, Jr., Public Works officer, that lies to the west of a line drawn parallel to and 100 feet east from the present center line of the Richmond, Fredericksburg & Potomac Railroad Co., and lying within the right-of-way of said railroad company, such land being shown more particularly in yellow on the map marked "V. D. 41-4—R., F. & P. R. R. Co.—Proposed exchange of land at Quantico, scale 1"=100 feet, dated Oct. 1, 1932, revised Sept. 4, 1933."

(2) That parcel of land ajoining the present eastern right-of-way line of the Richmond, Fredericksburg & Potomac Railroad Co. between Fifth and Sixth Streets in the town of Quantico, Prince William County, Va., beginning at a point where the present southern line of Fifth Street intersects the present eastern right-of-way line of the Richmond, Fredericksburg & Potomac Railroad; thence in an easterly direction along said southern line of Fifth Street 10.13 feet to a point; thence in a southerly direction by a line parallel to and 10.13 feet east from the present eastern right-of-way line of the Richmond, Fredericksburg & Potomac Railroad 56.58 feet to a point; thence bearing to the east by a line that is at right angles to the northern line of Sixth Street 180.17 feet to a point in said northern line of Sixth Street; thence in a westerly direction 39.57 feet to the eastern right-of-way line of the Richmond, Fredericksburg & Potomac Railroad; thence in a northerly direction along said right-of-way line 239.14 feet to the point of beginning; containing 5,047 square feet, all as more particularly shown in yellow on the map marked "V. D. 41-101—R., F. & P. R. R. Co. Easement desired from U. S. Govt. of Quantico, Va., dated Sept. 12, 1932."

Mr. VINSON of Georgia. Mr. Speaker, I offer an amendment to correct a date.

The Clerk read as follows:

Amendment offered by Mr. VINSON of Georgia: On page 2, line 20, strike out the figure "4" and insert the figure "14."

The amendment was agreed to.

The bill as amended 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.

PORTRAIT OF THOMAS WALKER GILMER

Mr. VINSON of Georgia. Mr. Speaker, I call up the bill (H. R. 5532) to provide for the acquisition of a portrait of Thomas Walker Gilmer.

The Clerk read the title of the bill.

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

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

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized and directed to procure the painting of a portrait of Thomas Walker Gilmer, Secretary of the Navy under President John Tyler, and to add such portrait to the collection of portraits of Secretaries of the Navy in the Department.

SEC. 2. There is authorized to be appropriated the sum of $1,000 to carry out the purposes of this act.

Mr. VINSON of Georgia. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VINSON of Georgia: Page 1, line 9, strike out "$1,000" and insert in lieu thereof "$750."

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.

AMENDMENT OF ACT OF MARCH 27, 1934, AUTHORIZING CONSTRUCTION OF CERTAIN NAVAL VESSELS

Mr. VINSON of Georgia. Mr. Speaker, I call up the bill (H. R. 5730) to amend section 3 (b) of an act entitled "An act to establish the composition of the United States Navy with respect to the categories of vessels limited by the treaties signed at Washington, February 6, 1922, and at London, April 22, 1930, at the limits prescribed by those treaties; to authorize the construction of certain naval vessels; and for other purposes", approved March 27, 1934.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 5730) to amend the act of March 27, 1934, approving the construction of certain naval vessels, with Mr. WILCOX in the chair.

The Clerk read the title of the bill.

Mr. VINSON of Georgia. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. VINSON of Georgia. As I understand the rules, I am entitled to 1 hour and the gentleman from Pennsylvania [Mr. DARROW], the ranking member of the committee, 1 hour, in general debate.

The CHAIRMAN. The gentleman is correct.

Mr. TOBEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TOBEY. Mr. Chairman, I do not think the gentleman has correctly stated the rules. As I pointed out, the rules of the House governing the consideration of bills on Calendar Wednesday provide for 2 hours of general debate, 1 hour to be controlled by those in favor of the legislation and 1 hour by those opposed to it.

Mr. VINSON of Georgia. Mr. Chairman, I will state to the gentleman from New Hampshire that the control of the time will be as provided under the rules of the House, which is one-half for the chairman of the committee and one-half by the ranking minority member of the committee. I shall endeavor to see that the gentleman is granted full opportunity in which to present his views.

Mr. TOBEY. All I want is an equal division of time according to the rules of the House, Mr. Chairman.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. VINSON of Georgia. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, if the members of the committee will do me the courtesy of bearing with me for a few minutes, I shall endeavor to explain this bill so they will thoroughly understand the amendments that are proposed.

At the outset I think it important to call attention to the fact that this is an amendment to section 3 of the act which authorized the construction of ships, which act was passed on March 27, 1934, and which had for its purpose to bring our Navy up to treaty strength. That act, among other things, provided the following:

The Secretary of the Navy is hereby directed to submit annually to the Bureau of the Budget estimates for the construction of the foregoing vessels and aircraft; and there is hereby authorized to be appropriated such sums as may be necessary to carry into effect the provisions of this act: *Provided*, That no contract shall be made by the Secretary of the Navy for the construction and/or manufacture of any complete naval vessel or aircraft or any portion thereof, herein, heretofore, or hereafter authorized unless the contractor agrees—

(a) To make a report, as herein described, under oath, to the Secretary of the Navy upon the completion of the contract.

(b) To pay into the Treasury profit, as hereinafter provided shall be determined by the Treasury Department, in excess of 10 percent of the total contract price, such amount to become the property of the United States: *Provided*, That if such amount is not voluntarily paid the Secretary of the Treasury may collect the same under the usual methods employed under the internal-revenue laws to collect Federal income taxes.

This bill seeks to amend section 3, subsection (b) which I have just read. That is its object and purpose, and I shall disclose to you in what particular we desire to amend this bill. I may state at the outset that this bill in its major portions has the endorsement and the approval of the Navy Department and also of the Treasury Department, and there is in the files a letter from the Secretary of the Treasury endorsing the changes proposed in this bill.

It will be observed that the rules and regulations in reference to excess profits are prescribed by the Treasury Department and not by the Navy Department, so it was highly important that the Treasury Department's viewpoint be obtained in reference to these proposed amendments. Now, let us see briefly what this bill proposes to do:

Mr. Chairman, the purpose of this proposed legislation, which is recommended by the Navy Department and the Treasury Department, is fourfold. First, it relieves the surety under the contracts of the liability for the payment of excess profits. Second, it provides for the calculation of excess profits on all contracts completed during an income taxable year. Third, it authorizes the Treasury Department to make refunds of overpayments of excess profits. Fourth, it exempts from the operation of the act contractors for certain scientific equipment.

Those are the fourfold objects and purposes of this bill, and I shall endeavor to state them in chronological manner so that you can thoroughly understand the provisions of the bill.

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

Mr. VINSON of Georgia. With pleasure.

Mr. COLDEN. On the recent letting of contracts for the building of certain ships for the Navy, Pacific coast bidders complained of excessive surety bonds. Does this bill affect the cost of those bonds?

Mr. VINSON of Georgia. Not at all; that phase is not involved in this at all. Now, I want to go back over this so the Committee can thoroughly understand what we are driving at, and I respectfully request your indulgence and patience, because this is a matter of considerable importance to the industry and to the proper handling of this enormous expenditure in the Treasury Department and in the Navy Department.

The purpose of this bill, in the first instance, is to relieve surety companies from the responsibility of seeing that the contractor pays into the Treasury excess profits.

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

Mr. VINSON of Georgia. I yield.

Mr. CARTER. Mr. Chairman, I think the gentleman from Georgia misunderstood the gentleman from California.

Mr. VINSON of Georgia. Not at all; I am thoroughly conversant with what is in the mind of the gentleman from California [Mr. COLDEN], and this bill does not apply at all to that phase of the gentleman's inquiry, not at all.

Mr. CARTER. The surety company is relieved of certain responsibilities.

Mr. VINSON of Georgia. With respect to excess profits.

Mr. CARTER. Would not the premium on the bond therefore be less?

Mr. VINSON of Georgia. It would; and that is the very reason we are bringing in this bill.

Mr. CARTER. That was the point of the question by the gentleman from California [Mr. COLDEN] as I understood it.

Mr. VINSON of Georgia. No. The purpose of the gentleman from California was to develop the thought that shipbuilders who could not give bond on account of the high premium, not dealing with excess profits.

The second proposition is to permit the Treasury Department to calculate excess profits over 1 taxable year instead of on each individual contract, as under the law today.

The third proposition is to permit a contractor who has made an overpayment of excess profits to be refunded the amount of excess profits. The fourth proposition is to exempt entirely all contractors who are engaged in the manufacture of scientific instruments from the 10-percent provision. I think it fair that I should state to the committee that the first three propositions are endorsed and recommended by the Navy Department and by the Treasury Department. The latter provision to exempt manufacturers of scientific instruments is not a departmental recommendation. While the Department—and the record bears out my statement—does not disapprove the provision, they do not approve it. They think it is a matter that can be administered by the rules and regulations of the Treasury Department. However, the committee, after listening to industry and after listening to naval officials, reached the conclusion it was highly important to exempt the contractors who make these scientific instruments so vitally necessary in having a successful Navy from this 10-percent provision.

Mr. TRUAX. Will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from Ohio.

Mr. TRUAX. The contractors that the gentleman has mentioned make money on their contracts? They make a profit?

Mr. VINSON of Georgia. In some instances they do and in some instances they do not.

Mr. TRUAX. Why should they be exempt over other contractors?

Mr. VINSON of Georgia. I will get to that later on.

Mr. FITZPATRICK. Will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from New York.

Mr. FITZPATRICK. The manufacturers of scientific instruments that would be relieved from paying excess profits could sell their instruments to some other country after being released by this country?

Mr. VINSON of Georgia. No.

Mr. FITZPATRICK. They could not make a profit, then, by selling them to some other country?

Mr. VINSON of Georgia. No.

It became necessary, in the judgment of the Navy Department and the Treasury Department, that section 3 of the act of March 27, 1934, should be amended for the following reasons: First, the lessening of competition and the refusal of surety companies in some cases to write bonds covering contracts subject to the act of March 27, 1934; second, the increased cost to the Government resulting from the higher premium rates on such bonds; and, third, the tendency of contractors to increase their price, since a limitation of profits under the existing law on the basis of individual contracts and loss of profits cannot be recouped on later contracts.

Let us get down to the first objective of the bill. What was it? It was to relieve surety companies under a contract of the liability of the payment of excess profits. You will understand that as the law is written today a performance bond given by a contractor must carry in it a clause that the surety will see that whatever excess profits are made by the contractor will ultimately be paid into the Treasury of the United States though it may be 2 or 3 years after completion of the contract. Under the law today a contractor or a sub-

contractor is required to agree to pay into the Treasury any profit in excess of 10 percent on any contract or subcontract involving a price in the amount of $10,000 or over.

Mr. MARCANTONIO. Will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from New York.

Mr. MARCANTONIO. What is the purpose of relieving the surety company? I did not understand that feature.

Mr. VINSON of Georgia. I am coming to that right now. It is a valid reason.

I invite the attention of the gentleman from New York to the fact that the surety company giving a performance bond is responsible for the payment of profits in excess of 10 percent of the contract price. In the case of every contract there must be a performance bond, and in addition to the performance bond there is an increased responsibility requiring the surety company to see that excess profits, if and when made, are paid into the Treasury. The surety company contends that under the law today the responsibility to see that all excess profits over 10 percent are paid into the Treasury places an additional obligation and an additional risk on them; therefore they raised the premium price and the small companies have had a hard time getting a bond. The large companies or companies with greater assets probably do not have any more than ordinary difficulty. All they had to do was to pay a larger premium, but the smaller companies could not get a bond because the bonding company raised its premium rates.

Now, how did they raise them? In one case there was an increase of rates from $5 per thousand to $40 per thousand. The bonding company took the position that this was an increased responsibility, and if they had increased responsibility they must necessarily be paid for assuming this responsibility, therefore, they raised their rate from $5 a thousand to $40 a thousand, or an increase of 800 percent.

Who pays for the premium? The taxpayers of the United States, through the Treasury, pay the premium because in every contract that the Government makes the premium is charged to the contract price in the award made by the Navy Department. So you can readily see that while the bonding company has assumed an additional responsibility it is costing the taxpayers, and it is costing the Congress in its appropriations more money to carry out these contracts on account of the higher premiums that the bonding company are demanding and this because of their increased responsibility. It is estimated that under the present set-up it will cost the Government between $500,000 and $1,000,000 a year more to construct these ships on account of the high rates which the bonding companies are carrying because we have put into the law the provision that they must see that the excess profits are paid into the Treasury of the United States. The Treasury Department proposes, and correctly so, to collect the excess profits just like it collects any other income taxable obligation. It may be seen that this is clearly a fair and equitable matter to permit the surety company not to be required to assume this additional obligation and the proposed amendment to the bill should be agreed to.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from New York.

Mr. DICKSTEIN. When the gentleman talks about excess profits does the Government fix an amount of profit the contractor should make?

Mr. VINSON of Georgia. The law in the original instance put it at 10 percent, and all over 10 percent must be paid into the Treasury of the United States. I am heartily in accord with this provision of the original bill, but it does not apply to sales made to the War Department, or sales made to the Coast Guard, but only applies to sales made to the Navy Department.

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

Mr. VINSON of Georgia. I yield to the gentleman from New York.

Mr. FITZPATRICK. How would it affect the small contractor if it were stated in the manner the gentleman has referred to? It would come out of the Treasury and out of the taxpayers, and could not the small contractors pay that as well as the large contractors?

Mr. VINSON of Georgia. No; the small contractors are the very ones that will be benefited by this change. The small contractors have been unable to get these contracts on account of their inability to pay the enormous premiums that the bonding companies are requiring.

Mr. FITZPATRICK. But if it comes out of the Treasury of the United States——

Mr. VINSON of Georgia. It is in the interest of competition, it is in the interest of the sharpest competition, and in the interest of the small contractor to relieve him of being required to give a bond to see that the excess profit is paid into the Treasury.

Mr. FITZPATRICK. But that would come out of the Treasury, as the gentleman has stated.

Mr. VINSON of Georgia. In the long run it would; yes.

Mr. FITZPATRICK. Then why should it affect the small contractor?

Mr. VINSON of Georgia. Listen to this: Here is a case exactly in point. One company on a $23,000 contract under the former custom was required to pay a premium of $111. Today the premium on that $23,000 contract is $823. It affected the small contractor because he had to dig up $823 to be able to get this contract, whereas in the first instance, under the old system, he only had to pay $111.

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

Mr. VINSON of Georgia. Yes.

Mr. COLDEN. Does the chairman of the committee think that these surety companies are justified in raising their rates from $5 a thousand to $40 a thousand merely because of this provision with respect to excess profits?

Mr. VINSON of Georgia. That is a question that the surety company will have to answer for itself, but the gentleman will admit there is an additional responsibility, and if there is an additional responsibility, then they certainly must be paid for such additional responsibility.

Mr. COLDEN. How can it be eight times as great?

Mr. VINSON of Georgia. Of course, there is no way to regulate that. They can regulate the premium on these bonds just like they regulate the insurance rates.

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

Mr. VINSON of Georgia. I yield.

Mr. DOCKWEILER. Has the gentleman any assurance that when we repeal this provision so as to go back to the old status quo that the surety companies will go back to their former premium rates?

Mr. VINSON of Georgia. Of course, we have, because we have already had the premium rates on such performance bonds.

Mr. DOCKWEILER. I am happy to hear that.

Mr. VINSON of Georgia. The premium rate on the average performance bond was $5 a thousand. Requiring the surety company to be responsible for the excess profit has raised this to $40 a thousand, and of course, no person would pay a premium of $40 on a thousand-dollar bond under a performance contract, and that is all that the bond would be—a performance contract bond.

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

Mr. VINSON of Georgia. I yield to the gentleman from Ohio.

Mr. TRUAX. Is it not a fact that the rate was advanced 600 percent because of the probability that there would be excess profits that must be paid into the Treasury and for which the surety company would be responsible?

Mr. VINSON of Georgia. Not at all. The bonding company is not going out and sit over each one of these contractors to see whether or not he is making excess profits. The bonding company is going to rely entirely upon the audits of the Treasury Department. The bonding company took advantage of this situation to the detriment of the

small contractors throughout this country, because they took the position that this requirement put an additional responsibility on them and, of course, there is an additional responsibility, and they said, "If you adhere to that, then you must pay us for it."

Mr. TRUAX. But why the responsibility and why the advanced premium?

Mr. VINSON of Georgia. Just because they had the opportunity due to the fact we had put an additional responsibility upon them.

[Here the gavel fell.]

Mr. VINSON of Georgia. Mr. Chairman, I yield myself 10 minutes more.

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

Mr. VINSON of Georgia. I yield to the gentleman from Texas.

Mr. McFARLANE. Does the gentleman have any information as to what particular companies have been charged these excess rates?

Mr. VINSON of Georgia. I will read a portion of the testimony and I may say that it was not one company, but all of them under an agreement, and here is a concrete case:

In the case of the Ford Instrument Co., the premiums on performance bonds required on the individual contracts have been increased from one-half of 1 percent, or $5 per thousand, to 4 percent, or $40 per thousand, an increase of 800 percent.

I am reading to you the testimony of one of the witnesses from the Bureau of Supplies and Accounts, who has to audit these accounts and these contracts.

Now, reading further:

Edward G. Budd Manufacturing Co. reports that the surety companies have changed the bond from a supply bond, which costs one-half of 1 percent, to a financial guaranty bond, which costs $4 per $1,000 on the contract price subject to a maximum of 4 percent on the bond amount. It is reported that these figures are furnished by the United States Guaranty Co., while the conference companies quoted $5 per $1,000 on the contract price subject to a maximum of 5 percent on bond amount.

In the report of the Budd Co. it is claimed that the bonds are considered to be financial guaranties for two reasons: First, the Government auditor might not appear for 2 or 3 years after the work had been completed; and, second, the manufacturer might have made 30 or 50 percent on a contract, but by reason of heavy losses under other departments would be unable to pay back what was due the Government. A specific case is cited whereby a bond for $22,300 executed on the old rate cost $111.50, and then the surety later claiming that the new rate should apply, which would increase the cost to $891.50.

So the Treasury Department and the Navy Department and the committee reached the conclusion it was nothing but fair, equitable, and just and in the interest of competition that this requirement on these sureties to pay in the excess profits should not be demanded.

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

Mr. VINSON of Georgia. I yield.

Mr. BOLTON. I do not know whether this is the appropriate time, but may I inquire whether the committee has given consideration to the subject which I discussed with the gentleman with reference to the general material men?

Mr. VINSON of Georgia. That is in this bill and I shall come to that later on.

I now invite the attention of the gentleman from Texas [Mr. McFARLANE] to this quotation:

The committee was advised that the Pratt & Whitney Co.'s rates increased eight times by the United States Guaranty Co. and this surety declined to write a bond on an aircraft contract, containing the provisions of the act of March 27, 1934.

Now, let us come to the next proposition:

The second objective of the bill, as I have previously stated, provides for the calculation of excess profits on all contracts completed during an income taxable year. Under the act of March 27, 1934, section 3, the excess profits are determined on each individual contract. Now the bill changes the method of determining excess profits from each individual contract to contracts completed during an income taxable year.

Let the committee bear in mind the fact that under the law today the Treasury Department recovers whatever excess profit is made on each separate and individual contract, and a contractor may have a half a dozen different contracts running along at the same time.

The Treasury Department in following out the law is compelled to audit each separate contract and determine if there has been an excess profit of 10 percent. We propose to change that and permit the excess profit to be calculated over one taxable year. That is on the recommendation of the Treasury Department and the Navy Department.

Mr. WHITE. Will the gentleman yield?

Mr. VINSON of Georgia. I yield.

Mr. WHITE. Has the gentleman any figures to show what the Government has collected as excess-profits tax?

Mr. VINSON of Georgia. No; this has just started.

This bill provides for the determination of such excess profits on the basis of one income taxable year. It is felt that under the present law there is a tendency on the part of contractors to unduly increase their prices in order to insure that they would receive a profit of not less than 10 percent on their contracts; also as the determination of profits is on the basis of individual contracts, the contractors could not, as would be the procedure under ordinary business practice, recoup actual losses under subsequent contracts, owing to the 10-percent limitation profit on each contract.

You can readily understand that. Here is a contractor who has a contract, and he knows that he cannot get but 10 percent. He knows that it must be determined on the completion of that contract. So what does he do? He raises the price of his bid so that he can be absolutely sure that he will be guaranteed the 10-percent profit and that he will at least have an opportunity to make 10-percent profit.

Mr. FITZPATRICK. Will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from New York.

Mr. FITZPATRICK. What guaranty has the Government got that they will get back the excess of 10-percent profit? Did the committee take into consideration the fact that the Government might hold up the last payment until it was decided?

Mr. VINSON of Georgia. That goes to the basic law. That was worked out in conference with all the experts of the Treasury Department. The form that it is put in was considered the most feasible and workable way.

Mr. KOPPLEMANN. Will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from Connecticut.

Mr. KOPPLEMANN. In what way would the Government's interest be conserved by guaranteeing the 10-percent profit?

Mr. VINSON of Georgia. There is nothing in the law that guarantees the 10-percent profit.

It is realized that with strong competition some contractors may, in working up bids for Navy contracts, figure too closely, and thus lose money in executing these contracts. In order that such contractors may not be too severely penalized on such contracts, it is proposed to liberalize the present law by allowing them to count 1 year in which to determine their excess profits and at the same time allow them to credit the net loss, if any, incurred on naval contracts subject to the act in an income-taxable year against excess profits in the next succeeding taxable year.

In other words, the effect of the amendment would be this: Suppose a contract was let for $100,000 for building some particular article and that contract was entered into in 1935. If it was finished in 1935, then the Treasury Department would, by this amendment which we propose, carefully examine these contracts for 1935, and all over 10 percent excess profits would be paid into the Treasury. Suppose he lost $10,000 in 1935 and he had a contract that was completed in 1936. The amendment would permit him to carry the losses from 1935 to 1936, and the Department would reach it in this way: If his contract in 1935 was for $100,000, and he lost $10,000, and he had a contract finished in 1936 for $100,000, on which he made $20,000, then the Department would first permit him to earn $10,000, or 10 percent on the

contract finished in 1936, and it would permit him to offset the loss of $10,000 in 1935 against the gain of $10,000 in 1936, so that on these two contracts, which would be $200,000 worth of business, under the example that I have used, instead of making 10 percent, the contractor would make a profit of only 5 percent.

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

Mr. VINSON of Georgia. Yes.

Mr. FORD of California. It seems to me that under such an arrangement as that anybody having a contract running over 2 years would make it a point to see that he showed a loss on the first year in order that he might gain on the second.

Mr. VINSON of Georgia. What good would it do, because he does not make any profit at all?

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

Mr. VINSON of Georgia. Mr. Chairman, I yield myself 10 minutes more.

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

Mr. VINSON of Georgia. Yes.

Mr. ZIONCHECK. Most contracts let out by the Navy for construction of planes or ships take over a year to complete.

Mr. VINSON of Georgia. That is correct.

Mr. ZIONCHECK. Usually the contract takes from 2 to 3 years to complete.

Mr. VINSON of Georgia. That is correct.

Mr. ZIONCHECK. So that the example the gentleman used is not applicable.

Mr. VINSON of Georgia. It is applicable for the simple reason that whatever income taxable year it is, it does not make any difference how long the contract runs, and whenever it is finished, the excess profit is determined in that taxable year. If he has sustained a loss in a previous year, he would be permitted after he has been allowed a 10-percent profit in the taxable year in which he made his profit, to offset his loss in that previous year.

Mr. ZIONCHECK. Is it not the gentleman's opinion that the greatest deterrent to excess profits in the building of naval ships is the competition of the navy yard and their smaller cost of construction?

Mr. VINSON of Georgia. This does not apply at all to navy yards. Navy yards are right. We maintain them and we must do so. We need them to haul down the cost, but nothing in this bill deals with navy yards.

Mr. ZIONCHECK. They are the best yardstick?

Mr. VINSON of Georgia. I shall not agree to that. There are good navy yards and good industrial yards, and we are not committing ourselves to building everything in Government yards. We have taxpayers in the country and they have to live just the same as people on the Government pay roll have to live.

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

Mr. VINSON of Georgia. Yes.

Mr. COLDEN. To ask a question not exactly germane. An engineering company in California and the Los Angeles Ship Yard of San Pedro last year were low bidders on three destroyers, but they did not file bonds because of the exorbitant price, as they stated. Can the gentleman give us any information as to why these rates are so high?

Mr. VINSON of Georgia. I could not. The next proposition is one that permits a contractor, if he overpays the amount determined to have been due in excess profits, to have an opportunity to get a refund. That is so fair and equitable that I would not be justified in taking up the time of the Committee in discussing it. In other words, all the Government wants is what is due to it; and if a man has made an error and has paid too much excess profits, it is nothing but honorable on the part of the Government that he be given an opportunity to have it repaid.

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

Mr. VINSON of Georgia. Yes.

Mr. CHRISTIANSON. Does not the gentleman believe there should be some machinery for regulating the rates of these bonding companies?

Mr. VINSON of Georgia. I know of no authority by which Congress can pass any law regulating the rates, because that is a contractual relationship between the Government and some private citizen.

Mr. CHRISTIANSON. Certainly, I think the Government could regulate the rates on bonds which are paid for ultimately by the Government itself.

Mr. VINSON of Georgia. It could only say that it would not enter into a contract where the rates are higher than these.

Mr. CHRISTIANSON. But it could do that?

Mr. VINSON of Georgia. Yes; it could do that.

Mr. KENNEY. It could regulate the rates of pay on the building of ships authorized by the Government, in the contract that the Government makes with individual shipbuilding companies.

Mr. VINSON of Georgia. The Government has the right to prescribe terms and conditions of contracts, and it can set out in any terms and conditions it desires, and it is up to the contractor whether he will accept.

Mr. KENNEY. Has not that been done up to the present with respect to providing for prevailing rates?

Mr. VINSON of Georgia. Under the code that was done, but, of course, the code has gone. Of course, the Government has authority, if it desires to do so, to write into the terms of the contract every provision that was in the shipbuilders' code. It could set those terms up as a condition on which the contract is made.

Mr. KENNEY. Does not the gentleman think we ought to do that?

Mr. VINSON of Georgia. I cannot answer that now. I will state to the gentleman that I have prepared a bill dealing with that, but I have not yet introduced it.

Mr. FORD of California. Will the gentleman yield?

Mr. VINSON of Georgia. I yield.

Mr. FORD of California. Why is it that we give the shipbuilder an advantage we are not giving anybody else? I lost money this year and I cannot charge it off next year.

Mr. VINSON of Georgia. Of course, the gentleman can. We are doing nothing more than putting him exactly on an equality with any other income-tax payer. Of course, the gentleman has a right, under the income-tax law, to carry forward his loss, to offset his losses. Now, let me say this so that it can be thoroughly understood——

Mr. DELANEY. Will the gentleman yield?

Mr. VINSON of Georgia. I yield.

Mr. DELANEY. I think the gentleman from Georgia is in error in making the statement he did to the gentleman from California.

Mr. VINSON of Georgia. I mean his losses for that income taxable year.

Mr. DELANEY. I am afraid the gentleman did not understand the question which the gentleman from California asked. I think he might clarify that before going further.

Mr. VINSON of Georgia. If I misunderstood the gentleman, I shall be glad to correct any wrong impression.

Mr. FORD of California. Are we not giving the shipbuilder an opportunity to make losses in one year and gains in another, and then use the losses to take up his profit?

Mr. VINSON of Georgia. Assuming we are, are we not holding him down as to the amount of profit he can make? We are holding him down to not over 10 percent, so that he cannot make over 10 percent. In other cases, the sky is the limit as to profits.

Mr. THOMPSON. Will the gentleman yield?

Mr. VINSON of Georgia. I yield.

Mr. THOMPSON. Will a shipbuilder have to pay the regular income tax on the 10 percent?

Mr. VINSON of Georgia. Of course; yes.

Now, let me say this so that it can be thoroughly understood. These provisions which I have been discussing are

recommended to you by the Treasury Department and the Navy Department.

Mr. McFARLANE. Will the gentleman yield?

Mr. VINSON of Georgia. I yield.

Mr. McFARLANE. I believe the gentleman is slightly erroneous in that statement to this extent, that while one of their representatives was before our committee the Treasury Department representative, Mr. Moore, who was before our committee, was trying to work out an amendment as suggested by the Judge Advocate General of the Navy; but the Treasury Department, as I understand it, was trying to work out some kind of a program in keeping with the wishes of the Navy Department, and is not sponsoring any legislation before this Congress at this time.

Mr. VINSON of Georgia. In reply to the gentleman I will state that in the hearings is a letter from Secretary Morgenthau.

Mr. McFARLANE. Will the gentleman put it in the RECORD, please?

Mr. VINSON of Georgia. I will put it in the RECORD. It was in the RECORD when the gentleman was listening to this bill being discussed. It endorses every word that I have said with reference to the amendments to this bill. The Treasury Department and the Navy Department endorse these provisions which I have been discussing. As I said in my opening remarks, there is this provision which is not endorsed by the Navy Department and which is not endorsed by the Treasury Department, but the Navy Department and the Treasury Department reached a decision that it was a matter for Congress, and if Congress saw fit to do so, they had no objection to it. Now, what is that provision? I think probably this will be the only phase of the bill over which there will be any controversy. This is very important. The committee proposed this amendment after long hearings. Bear in mind that this 10 percent relates to all character of contracts that an individual makes in regard to airplanes and the construction of ships:

And provided further, That this section shall not apply to contracts or subcontracts for scientific equipment used for communication, target detection, navigation, and fire control as may be so designated by the Secretary of the Navy, and the Secretary of the Navy shall report annually to the Congress the names of such contractors and subcontractors affected by this provision, together with the applicable contracts and the amounts thereof.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. VINSON] has again expired.

Mr. VINSON of Georgia. Mr. Chairman, I yield myself 5 minutes more, and then I must conclude.

Now, this is the reason why the committee asks you to adopt this exclusion of scientific-instrument feature from the provision of the 10 percent. It is of vital importance. It goes to the very heart of keeping the Navy abreast with the latest scientific developments that the engineering ingenuity and genius of men in this country can bring about. The efficiency of the Navy and national defense as a whole depends upon the advancement in scientific-instrument fields. This is particularly true in the Navy with reference to the art, first, of fire control, which requires higher developed instruments, such as target detection, range control, range keeping, range finding, and coordination of gunfire.

In using the words "fire control", it means all those scientific instruments that are developed to locate the range, the control of the range, and all matters of that technical, highly developed art.

It provides for that in contracts under what is known as "ship control", which pertains to the interior communication within a ship, compasses, flying instruments and navigation instruments, air control, which has to do with radio both in ships and airplanes, and flying instruments for aircraft. In order to advance in those arts, research development along particular lines is necessary for continuous improvement. To carry on such research-development work requires the expenditure of large sums of money. Some of this work will result in success, while some will result in failure. These instruments are not made the first time some genius and some inventor seeks to develop them.

It takes long years of time to make them and costs hundreds of dollars in engineering talent to develop them so that industry may receive returns from funds invested in research and development. It is necessary to allow them to have credit for funds expended on failures, in other words, research.

The Government does not possess facilities to carry on such work, nor does it have at its command the required inventive genius necessary for the full and complete research and development work to continually get the best scientific equipment were it to have the required facilities and the necessary funds. For this reason the committee considers it equitable, both to the Government and to industry, to exempt, in determining excess profits, contractors for certain scientific equipment which requires extensive research and development for perfection, such exemption to be determined by the Secretary of the Navy, with the proviso that Congress shall be informed annually of all cases so exempted.

Now we propose to give these makers of scientific instruments that are designated, exemption from this 10-percent provision, and we propose to permit the Secretary to enter into contracts with them on that basis. The Secretary necessarily will have to report to Congress the exemptions. So we seek to safeguard it. We have brought it down to only four things that are used in the Navy, but they are so highly technical that it is absolutely necessary that these companies be not required to limit their profits to a mere 10 percent, because they may lose hundreds of thousands of dollars a year in scientific development. If they have no way in which to recoup the loss they would cease their engineering investigations and the country would suffer because it would not be able to keep abreast of modern scientific developments.

Mr. Chairman, I reserve the balance of my time.

Mr. DARROW. Mr. Chairman, I think the distinguished Chairman of the Committee on Naval Affairs [Mr. VINSON] has gone into this bill in its various details in a most thorough, and, to me, a most convincing manner. Personally, I am very much in accord with the views he has expressed. I think it is in the interest of our Government and will correct certain conditions which to me seem to be detrimental to our keeping abreast of the times in the development of scientific equipment used for communication, target detection, navigator and fire control, particularly as they apply to aircraft development, and which are so essential to the efficiency of our Navy and protection of its personnel. It does seem to me consideration should be given to the experimental work that is always necessary in order to maintain the highest standards of naval efficiency; and the final provision of the bill, in this respect, appears to me to be very essential.

Mr. Chairman, I yield 15 minutes to the gentleman from New Hampshire [Mr. TOBEY].

Mr. TOBEY. Mr. Chairman, while the gentleman from Pennsylvania has allowed me 15 minutes, it is very probable that I shall ask unanimous consent to continue longer, for the reason that I think it is appropriate that I have sufficient time to deal properly with this subject in view of the history of this amendment.

One afternoon in January 1934 as I sat in this Chamber the Vinson bill was under consideration.

For many years I have known of the great amount of money that had been expended by certain shipbuilding, aircraft, and other large interests in this country to influence legislation, to corrupt men in public life, to send men overseas to disrupt a Geneva conference, to bring about not peace but rather to foment war through their sales of munitions, ships, and aircraft to foreign governments.

Late in that afternoon I talked with a friend from the press gallery, Mr. Edward Lewis, of the United Press, and also with my son. With an earnest desire to do something to thwart such practices we united in an effort and drew up an amendment to the bill, which I offered on the floor of the House and fought through. The House by a large majority adopted

the amendment. So much for the origin of the Tobey amendment to the Vinson Navy bill.

After passage in the House we thought we had won, but we were misled. The bill came up in the Senate Naval Affairs Committee for sudden hearing, and there was Henry Roosevelt, Assistant Secretary of the Navy, speaking through a letter offered by Admirals Land and Standley, opposing this amendment, and the admirals joined in this opposition. I took the floor there and urged its adoption. It was approved by the subcommittee, and later by the full committee.

Again we thought we had won, but it went to conference. The point is that the bill finally came out of the Senate with the amendment reported advocating the 10-percent limitation. My amendment had been much improved by the Senate, and I had conferred with several of them on the subject. But, as you all know, the place where legislation is finally shaped is in the conference committee.

While this bill was before the conference committee a proposed amendment was sent down from the office of the Director of the Budget, accompanied by a letter stating that the enclosed amendment had his approval, and he hoped it would be accepted as a substitute.

This amendment consisted of 35 lines, and in 3 of the lines of this amendment we found verbiage which, if it should become law, would entirely emasculate the provisions of the 10-percent limitation on profits.

Under the proposed amendment which affected any 2 successive income-tax years they could have made 49 percent each year and even more.

When this was discovered I called at the Budget Director's office and conferred with him, and the man who drafted the amendment, and finally he assented to my position, and the amendment was later withdrawn.

When the conference report was brought on the floor of the House I found that the conferees had exceeded their authority under the rules of Congress and had written into the bill two provisions, one of which would have postponed the date at which the bill would be effective, until June 30, some 3 months thereafter. In this time millions of dollars' worth of contracts could have been awarded, all of which would have been exempt from the profit limitation; and the second proposal was to limit the amount of the contracts effective under my amendment to $50,000. After conferring with the Navy Department I learned that this would have nullified probably $100,000,000 of contracts under the Vinson bill and make them also exempt from profit limitation.

I made a point of order against these provisions, and Speaker Rainey sustained me, and the bill went back to conference and these features were eliminated.

So, in final form, after many vicissitudes, and having to overcome many obstacles put in its path, the 10-percent limitation of profits was written into the bill, and is now the law.

This is the history of my amendment to the Vinson bill of 1934.

The gentleman from Georgia, who preceded me, the Chairman of the Naval Affairs Committee [Mr. VINSON], speaking here today for this bill, took up first the exemption of surety companies for liability. I will take up first the surety feature, and I challenge the arguments which the gentleman made. He called attention to the fact that the surety companies issued bonds for the performance of contracts and that the Treasury Department ruled that the recovery and return to the Treasury of excess profits was an obligation under that contract. When this profit-limiting law passed these surety companies got together, through their conference board, and set up new rates for these surety bonds. They jacked them up 800 and even 1,000 percent.

I ask the gentleman from Georgia [Mr. VINSON] why that was justified. Some of the Members have asked him the same thing on the floor today. In the hearing room, when his committee was considering this matter, the gentleman from Massachusetts [Mr. ANDREW] asked Admiral Bloch, of the Navy Department, why it was necessary to jack up these insurance rates. Then Chairman VINSON asked the admiral this question:

Why are the bonding companies getting together and hiking up the prices, which is not justified, because the risk is not very much greater than it was before, is it?

The admiral's answer was that the contention was made by the surety companies that their risk was increased; it was also contended that some of the contracting companies involved may go broke 2 or 3 years after the contract had been completed, and then the surety would have to come forward and make good the excess profits. Then the gentleman from Texas [Mr. MCFARLANE] asked him very pertinently, "Has that ever happened?" And Admiral Bloch conceded that it could not, because the bill has only been in effect 1 year. I was there in the room when Admiral Bloch was giving his testimony, and there were many surety-company representatives there. The admiral called attention to this and said he recognized seven or eight of them. Now, Mr. Chairman, would you not naturally feel that when the several members of the Naval Committee raised such questions that these surety-company representatives would have taken the floor and defended their jacking up of rates to 800 percent? But no; not one of them got up. They were as silent as oysters. They were as men dumb. But who presented their case in that hearing room? Admiral Bloch, of the Navy. He was their spokesman there. Why did not these surety men there get upon their feet and state their case, subjecting themselves to the cross-examination of those members of the Committee who were present? This shows the farce of the whole thing. Admiral Bloch gave very little excuse for the highjacking of these rates. He simply voiced their contention and said, "They claim that it is due to the risk."

Mr. Chairman, the Navy took this thing lying down. I thought the Navy connoted fight, but they supinely surrendered in this matter.

Mr. Chairman, I submit the jacking up of these rates is eloquent testimony that there will be excess profits under the Vinson naval building program. If the surety companies did not believe there would be increased profits, why would they raise the rates? Their action proves the need for the Tobey amendment limiting the profits to 10 percent. Based upon this percentage of jack-up, which, according to the statement of the gentleman from Georgia [Mr. VINSON], is 800 percent, I submit that jacking up these premiums 800 percent is simply evidence of the likelihood and assurance of excess profits. Based on their 800-percent rate increase, it would indicate that the probability of excess profits was 800 times greater under the Vinson bill than before the Tobey amendment prevailed. I challenge this proposed surrender to the surety companies.

Mr. FORD of California. Will the gentleman yield?

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

Mr. FORD of California. Is not the Vinson bill a very effective bill for the carrying out of the things that the Congress had in mind?

Mr. TOBEY. There is no question about that; and I think I will prove the gentleman's position and mine in this matter before I get through.

Mr. TRUAX. Will the gentleman yield?

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

Mr. TRUAX. The gentleman stated that there were several Representatives in this body representing surety companies at the hearing.

Mr. TOBEY. No. There were 7 or 8 representatives of surety companies at the hearings.

Mr. TRUAX. I misunderstood the gentleman.

Mr. TOBEY. Mr. Chairman, as to the second recommendation of the Naval Committee, the present profit-limiting amendment provides for determination of excess profits on each contract by itself. The contractors want the right to offset losses in 1 year against profits in 1 year. This bill further provides that losses incurred in 1 year, say 1935, should be held as a set-off, or as a sort of suspense account, against any profit occurring in the followng year—say, 1936. This feature offers opportunities for manipulation and thimble rigging by the contractors. Suppose the gentleman from Iowa [Mr. BIERMANN] is a contractor, and he

had a naval contract coming due in December this year. Suppose he is quite sure he is not going to make a profit.

Suppose, further, that he also had a contract for a battleship coming due in 1937 and could not get it done before that. He would say, under those circumstances, "I want to hold this loss and chalk it up against the profit 2 years from now, not 1 year." Therefore he will slow up work on the 1935 contract so it will be completed early in 1936 and apply it to offset the profit he may make on the contract he will finish construction under in 1937. The whole purpose of these amendments in this bill before us today is to set aside the Tobey amendment in the Vinson bill. As I stated, these new amendments present opportunities for manipulation and thimble rigging.

Mr. Chairman, I believe the present law is sound and just, and that each contract should stand on its own feet. These contractors will look out for themselves. There is no need of the Government becoming a nursemaid to them. It is up to them to figure their contract, based on the specifications, and to secure a profit.

Here is something that very few Members of this House realize, and I do not believe all the members of the committee know it either, speaking of the likelihood of loss and profit.

The Navy Department put into effect in 1934—almost coincident with the beginning of the great naval program under the Vinson bill, which will involve an expenditure of $1,000,000,000—the adjustment-cost basis in connection with contracts. Under this new plan every contractor under the Vinson bill can go to work and make his bid, and if he gets the contract then, as he goes along, in the next 2 or 3 years if, in contrast to his contract terms, he finds his labor charges are higher and his materials cost him more, all he has to do is to make a sworn statement to the Government to that effect and he will be paid all the increased cost.

Let them leave the Vinson bill alone as it now stands, because they are almost guaranteed immunity from any loss by reason of this new basis I mention.

The third recommendation, as the gentleman has stated, is the nub of the whole thing. It eliminates scientific equipment for communication, target detection, navigation, and fire control, subject to designation of the Secretary of the Navy.

The gentleman who framed this amendment and who presented it to the committee was no less a man than Mr. Gillmor, the head of the Sperry Gyroscope Co., and a former naval officer. You will find that many of these great concerns have as the key men in their organizations former naval officers. This gives them a point of contact here in Washington. I mention this as nothing against him. I honor him for the association, but the fact remains he is a former naval officer, and he states that he represents 400 manufacturers in this matter, and they contend through Mr. Gillmor that they have spent large sums in research and development of products, and that they cannot include these in their costs. The facts are that the Treasury Department specifically allows the prorating of these charges into the costs of every contract, and Mr. Gillmor later admitted this, and also on cross-examination he stated that if experiments cover 3 or 4 years, the proportionate part of the expense would be allowed. What could be fairer than this?

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. TOBEY. I yield.

Mr. VINSON of Georgia. I am inclined to think the gentleman's statement is a little misleading, although the gentleman does not intend it, of course. If a contract is accepted on the finished article, the experimental cost is permitted; but if the contract is rejected, then it is not permitted.

Mr. TOBEY. The gentleman is correct.

Mr. VINSON of Georgia. And expenditures on experiments that fail to bring forth a satisfactory offer are not allowed.

Mr. TOBEY. I may add that the gentleman is a little ambiguous in his statement, although not intentionally so, because the fact remains that the Navy Department has spent approximately $20,000,000 in payment to concerns for experimental work, some of which is never accepted.

Now, going on, most of the scientific manufacturers are operating under patents granted by the Government, and thereby they are given a monopoly, and if you put in this limitation exempting this scientific work, they can charge the blue sky, 2,000 percent profit or more, and there is nothing at all to hold them down.

To confirm this, one company sold 76 radios to the Government at $832. Under this amendment this company would be immune.

What this association of 400 manufacturers, represented by Mr. Gillmor, really wanted to do was to charge the entire burden of this work to the Government itself, and I protest against this. They want to make our Treasury an inverted pyramid and put all their burdens on the Government.

I hope the gentleman from Texas [Mr. McFARLANE] in his remarks will bring in the question he asked of Mr. Moore, of the General Counsel's office of the Bureau of Internal Revenue, who confirmed this statement in the hearings in response to a question by Mr. McFARLANE.

One of the most pertinent questions asked in the hearings was asked by the gentleman from Massachusetts [Mr. ANDREW], who made this remark:

Is there anything in connection with ships or aircraft not subject to scientific investigation and possibility of development?

This was answered very conclusively by Captain Bowen, of the Navy. Let me read you his testimony on this point.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. TOBEY. I yield.

Mr. VINSON of Georgia. As a matter of fact, the scientific instruments are enumerated in the bill.

Mr. TOBEY. Yes.

Mr. VINSON of Georgia. And the provision is not open to the criticism the gentleman is now endeavoring to make, because it is limited to four different things.

Mr. TOBEY. But the four different things cover a multitude of sins, as I shall point out before I get through.

Here is the answer to Mr. ANDREW's question, by Captain Bowen, who is the Assistant Chief, Bureau of Engineering, of the Navy Department.

I have a short statement prepared, Mr. Chairman. In order to make clear to the committee the position which the Bureau of Engineering occupies in connection with these hearings, I wish to state that the Bureau of Engineering is charged with all that concerns the propulsion machinery, auxiliary machinery, with certain exceptions; radio, sound, searchlights, generation and distribution of light and power, interior communication, and fire control up to the mounts of the gun. This is a general and not a specific description.

The Bureau of Engineering has dealings from time to time with most of the industries represented before this committee. From the point of value it probably has more contracts with these industries than all the other bureaus put together; that is, the heavy industries and equipment.

* * * * * * *

Since the enactment of the 10 percent profit clause of the Vinson bill no company has refused to bid on any contract, as far as this Bureau is concerned, due to the 10 percent profit clause; therefore there are no facts available to substantiate any statement as to whether or not the 10 percent profit clause has had any effect on economy and efficiency of that part of the naval administration represented by the Bureau of Engineering.

[Here the gavel fell.]

Mr. TOBEY. Mr. DARROW, I bespeak from you enough time to present this case decently and in order. It is an important matter and I am only half through.

Mr. DARROW. Mr. Chairman, I yield the gentleman from New Hampshire 10 additional minutes.

Mr. TOBEY. I do not know about these time-limit rules, Mr. Chairman. What we are after in this House is the truth, and I am not going to be tied by any 10-minute rule. I want to give you the facts, the honest-to-God facts, in refutation of some of these statements that have been made by ship manufacturers and others.

Now, Captain Bowen says further:

This Bureau is loath to see any discrimination between the various branches of industry. Research, experimental, and develop-

ment charges are not restricted to any particular branch of engineering. It is not an uncommon event for engine builders and boilermakers to find that they are confronted by heavy research and development charges long before any contract is awarded. It is not unusual for a contract with heavy industry to prove some months after award of contract that it is really a development contract.

Then Mr. ANDREW asked him this question:

For instance, on such matters as equipment, range finders, is there not more opportunity for research in the matters of scientific equipment than in the field of actual construction of the vessel? I think the range finders are very complicated instruments.

Captain BOWEN. I do not think I can say that more research is connected with producing a range finder than a new boiler or a new engine. There is an enormous amount of research work going on all over the world in metallurgy.

Now, Mr. Chairman, these 400 manufacturers of scientific instruments have asked for this exemption, and I again point out the testimony that scientific experimental work has been permitted to be charged against costs by the Treasury, and, furthermore, that many millions of dollars have been paid by the Government for experimental work by private companies in recent years.

This amendment which is being discussed states what this scientific exemption covers, and I submit this question to the gentleman from Georgia. In his report he makes the statement, which I think is misleading, that this bill meets with the approval of the Navy Department, as is indicated by the letter of the Secretary of the Navy. It does no such thing in my judgment. The letter referred to and made a part of the committee report was written before this bill was before us, and there is not a single mention in the Secretary's letter of this amendment exempting scientific instrument manufacturers.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. TOBEY. Yes.

Mr. VINSON of Georgia. Does not the gentleman think the construction that he puts on it is not justified, because I distinctly stated in the beginning that the committee assumed complete authority for the scientific instruments and said that the Navy Department did not recommend, nor did the Treasury Department at that time recommend, the last proviso in the bill.

Mr. TOBEY. I accept that statement, but the report says the contrary.

Now, on page 3 of the committee report, in qualifying this scientific exemption, the gentleman states:

This is particularly true in the Navy in reference to the arts of (1) fire control, which requires highly developed instruments for target detection, range control, range keeping, range finders, and synchronizing of gunfire; (2) ship control, which pertains to interior communications within the ship, compasses, flying instruments, and navigational instruments; and (3) air control, which has to do with radio, both in ships and airplanes, and the flying instruments for aircraft.

Does that include aircraft or aircraft engines?

Mr. VINSON of Georgia. No.

Mr. TOBEY. What does that include?

Mr. VINSON of Georgia. I may not be able technically to explain it, but I thought I made it so plain that it would show exactly what it does control. I know that it would not include aircraft engines, but that is a matter to be left to the Secretary of the Navy.

Mr. TOBEY. Not to the Secretary of the Navy. It should be left to Congress. The Secretary of the Navy is not telling us, we are telling him.

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

Mr. TOBEY. Yes.

Mr. FITZPATRICK. Did the gentleman vote for the Vinson bill?

Mr. TOBEY. I did.

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

Mr. TOBEY. Yes.

Mr. McFARLANE. In this scientific-instrument clause, let me call the gentleman's attention to these words, which I think are sufficiently broad to bring all of these concerns, including Navy equipment, under this limitation, and that is the purpose of it.

Mr. TOBEY. I know.

Mr. McFARLANE (reading):

And provided further, That this section shall not apply to contracts or subcontracts for scientific equipment used for communication, target detection, navigation, and fire control as may be so designated by the Secretary of the Navy, and the Secretary of the Navy shall report annually to Congress the names of such contractors and subcontractors affected by this provision, together with the applicable contracts and the amounts thereof.

And that covers 100 percent of the contract.

Mr. TOBEY. That is the intent of my position.

Hardly had the Vinson bill become law—containing my amendment limiting profits—before the large contractors had a conference seeking to meet the situation brought about by the profit-limiting amendment. Representatives of the Big Three, Newport News, Bethlehem, and New York Shipbuilding, were in attendance, as well as some of the lesser concerns, Westinghouse, Sperry Gyroscope, Electric Boat, and others. The shipbuilders got together and wanted to definitely decide what predetermined proportion they would agree upon as an overhead charge. A discussion was held as to what factors were going to be allowed to be put in as overhead to keep down profits, and finally Mr. Powell, of United Dry Dock, said:

This will go along all right until somebody turns back money.

Mr. Gillmor said:

I think the only thing to do is to act in unison.

Mr. Smith testified:

It seems to me very desirable that, so far as the outstanding items of overhead are concerned, there should be unanimity of opinion.

Later on in this discussion, Mr. Gillmor again said:

If the shipbuilders, boiler manufacturers, and electrical manufacturers act in accordance with uniform rules it will be so strong that I think the Income Tax Bureau would have a hard time resisting it.

Mr. Bardo said, referring to Gillmor's statement:

They could not break it down.

And further adds—

I think we should get our accounting officers together first and we should get our shipbuilders on a uniform plan.

Mr. Smith asked Mr. Homer, "What do you think about it?" Homer replied that the method of determining the 10-percent profit is to be established by the Treasury Department and the obvious thing is that the industry would have to establish something for its protection.

Mr. Blewitt, speaking for Newport News, made the point that shipbuilders could definitely agree upon an overhead that was normally uniform but was definitely considerably higher for Navy work than for merchant-marine work, and testimony was that he was trying to get it on a fixed basis higher than other work, 20 percent. Mr. Smith showed considerable anxiety that everything was going to be put into cost by everybody, so that some of the shipbuilders should not charge too little; and he said:

I would not do that. This group ought to go away satisfied as to what items should go into cost. Each and every one of us should be assured that we are going to put into cost everything that should be put there.

A little more interesting information—Mr. Shick, of Bethlehem, makes the point:

We should decide what we are going to do. For our own protection it would be a good thing if we did have an understanding, so that on the completion of these contracts the overhead rates will not be out of line. If Bethlehem had 60 percent, Newport News 50 percent, and somebody else 40 percent, they will ask what is wrong.

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

Mr. TOBEY. Yes.

Mr. LUNDEEN. It was collusion to gouge the Government.

Mr. TOBEY. Yes; and gouge the taxpayer.

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

Mr. TOBEY. Yes.

Mr. BOLTON. What is the gentleman's thought with reference to the material man, the subcontractor, who supplies material for the finished subcontract?

Mr. TOBEY. I think he should come under the 10-percent limitation.

Mr. BOLTON. In other words, the man with a general contract for steel should agree under the terms of subsection (e) that he should limit his profits to 10 percent to the subcontractor?

Mr. TOBEY. Yes, sir.

Mr. BOLTON. Of course, that is quite contrary to ordinary business practice.

Mr. TOBEY. I mean that only a subcontractor producing materials or goods to be used in performing a contract awarded under the Vinson bill should be subject to the profit amendment.

I am trying to bring out here that back of all this are master minds representing these great concerns, and they get together to act very much as a unit. There was a man here by the name of Homer, a representative in Washington for shipbuilders. Homer came down to Washington, and he wrote a letter back to the Bath Iron Works at Bath, Maine, in which he told the president of that company:

From what I can gather we are going ahead to a full treaty strength Navy, and we are going to do it quick. I think it would be very wise for you to come down to Washington in the near future and talk to the gang.

Talk to the gang! Before the Nye committee they put him on cross-examination and asked him, "Who do you mean by the gang?" He would not answer until he had consulted counsel. After he had consulted counsel, he said he referred to admirals in the Navy Department in Washington.

Referring to Mr. Bardo, I quote further from a speech by Senator NYE on May 22 as follows:

Mr. Bardo, the president of the New York Shipbuilding Co., after weeks—yes; months—here in Washington, getting his share of the plunder, or arranging for bids upon the ship contracts that were to be advertised, reported in June of 1933 what was to be expected in the way of awarding the contracts for shipbuilding by the Navy Department in a letter to the chairman of the board of directors of his corporation. I read but two paragraphs from his letter:

"I know from my talks with some of the representatives of the Navy—"

And it turned out that they were the same men to whom Mr. Homer referred as "the gang"—

"I know from my talks with some of the representatives of the Navy, who are keenly interested in this work, that they are desirous of finding some substantial reasons for awarding this work to the largest possible extent to private yards upon whom they must rely for the necessary engineering to complete the ships.

"There was also expressed to us the desire that the builders themselves should get together and agree, as far as we could, on what each would bid, and then bid on nothing else."

Mr. Bardo did undertake to tell the chairman of his board of directors, 10 days before the bids were opened, just what ships each of these "big three" shipbuilders would get; and then, to make it clearer to his chairman, he undertook in the same letter to show what the break-down, the division between the three companies, would mean in dollars; and he said:

"This new work would amount approximately to the following values:

"Newport News, $30,000,000.

"Bethlehem and New York Ship, $28,000,000 each, although the final estimates may slightly change these figures."

I defy any Senator, upon reaching his home tonight, to take a pie or cake and cut it into three more equal parts than that pie or cake was cut into by the shipbuilders 10 days before the bids were opened; and when, 10 days later, the bids were opened, it was revealed that Mr. Bardo had not missed his guess by a single, solitary ship! To the last ship he knew which company was going to be awarded the contract.

Here is my plea in closing: The amendment now in the law, which limits profits to 10 percent, was a timely measure. It was passed coincident with the bill and made a part of it. I cannot admit the soundness and fairness of these new amendments. I believe this bill is an attempt to make an opening wedge to emasculate the limit clause of the bill. I believe it is a letting down of the bars and, unless we stand guard, will nullify this legislation, which has been so sorely needed and which means so much in the interests of the taxpayers of this country.

I ask the House to vote down this bill, to see this thing not as the Navy Department, not as the shipbuilders and supply men that bid on Navy contracts, but in the light of the tremendous profits made on aircraft, steel, and shipbuilding contracts for many years in this country.

I ask you to hold fast and maintain this constructive profit-limiting amendment as a component part of the Vinson bill, just as it passed the House and Senate and as it received the approval of the President.

Preserve this amendment which is in the interest of the taxpayers of the Nation.

Mr. ZIONCHECK. Will the gentleman yield?

Mr. TOBEY. I yield.

Mr. ZIONCHECK. Does not the gentleman feel that this assures a profit in war, and that the real limitation is not the 10 percent, but that the Government should come in and manufacture its own munitions and supplies and take all the profits out of war?

Mr. TOBEY. In my own opinion, that is the only way to get rid of these people.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. TOBEY. I yield.

Mr. VINSON of Georgia. The gentleman gave some information with reference to collusion among shipbuilders. We are trying to prohibit the same kind of collusion among bondholders. Under the gentleman's argument, he is in favor of permitting them to form a collusion to charge high prices.

Mr. TOBEY. The gentleman is entirely out of order in saying that. I made the point to you that the thing to do was for the Government to stand up and fight and put them down in their seats. They had no justification for such rate increases.

The CHAIRMAN. The time of the gentleman from New Hampshire [Mr. TOBEY] has again expired.

Mr. DARROW. Mr. Chairman, I yield 15 minutes to the gentleman from Minnesota [Mr. MAAS].

Mr. MAAS. Mr. Chairman, the so-called "Tobey amendment" was adopted in the House without any consideration, without any opportunity to study the possibility of its effects upon the Vinson bill. As a matter of fact, I think it is the most unintelligent piece of legislation I ever saw. The purpose of the amendment may have been very high, although there are many who were behind that amendment—and I do not include its author—but there were many who inspired that amendment, whose purpose was, not to save the Government or the taxpayers money but to hamstring the Navy. The purpose of the Tobey amendment, or, at least, its effect, is to destroy the efficiency of the American Navy. I call attention to the fact that there is no other nation on the face of the earth that has any such restriction.

Mr. TOBEY. Will the gentleman yield?

Mr. MAAS. I yield.

Mr. TOBEY. I want to read the testimony of Mr. DELANEY, a distinguished member of the committee, on the point that the gentleman just spoke of:

You know that an amendment was passed in the House recently, presented by Congressman TOBEY, of New Hampshire, which would limit the profits of these manufacturers to 10 percent. That will save the Government a considerable amount of money. It will tend to put these manufacturers and these men who have been supplying material to the Departments of the Navy and the Army on guard to watch what they are doing in the future.

Mr. MAAS. I do not remember in what connection that testimony was offered. I know that by itself it means nothing, being offered here at this time in this manner. I know that the gentleman to whom the gentleman refers is as substantial an American as there is in this House.

The American Navy is not an aggressive instrument. We have a Navy solely to defend against invasion of our own shores. We are not trying to build a Navy that can go out for conquest. We do not want the territory of any other nation; but we do not propose to have anybody else take one inch of our territory. We are going to have a Navy that will see that they do not. We want peace. We want to be let alone. We are going to have a Navy that will insure our being let alone. The effect of the Tobey amendment, which we are trying to correct today, is to lessen competition. As a matter of fact, if there is collusion in Navy

bidding, to retain the present provisions will stimulate and increase the collusion.

When you place such a restriction as 10 percent, without the opportunity to recapture when there is loss, you induce and enhance the opportunity, almost create the necessity for collusion. Just think of it! A contractor makes a product for the Government this year and loses 30 percent. Next year he gets a contract and, perhaps, makes 15 percent. He is allowed to take only 10-percent profit. Under our proposal he will be permitted to charge so much of that loss of the year before in the excess profit. He will not make a profit on the first year's business. All he has an opportunity to do is to recapture the loss of the previous year up to that limitation, but not a cent of profit.

Consider concerns who are doing business with the Government, and we are talking particularly now of those who are making devices that take a great deal of research, research that requires a great deal of invested capital and with frequently very small unit sale price; if they do not average up with a profit, they cannot stay in business. There is no secret source of income for these concerns.

The present Tobey amendment to the Vinson Act makes the Government a preferred customer. It means that a concern dealing with the Government cannot charge a proportionate share of its general overhead on the business it does with the Government. There is certainly nothing fair about that. There is no reason why private industry dealing with this manufacturer should have to bear all of the overhead while the Government gets its business without paying any share of the overhead; but under the existing act, all that can be charged is the development expense and overhead of the actual contract itself, and only on the completion of that contract, but not the general overhead of the concern. Those Members familiar with business practices know that in the items of cost of doing business, overhead is included and a proportionate share of the overhead is charged on every item that is sold. It is very obvious that no one could stay in business very long on any other basis. If we are to be logical, we should prohibit anyone in any business from making more than 10-percent profit, regardless of whom they deal with.

We have had about a year to study the effect of the Tobey amendment. I think there are many features that may be made to work. Personally, I think the whole 10-percent restriction is unintelligent and should be repealed; but if we are going to retain it, let us at least make a workable bill, because, I submit, the present bill will not work. It is going to cost the people of this country a great deal more if we retain this amendment the way it is at present.

The effect is going to be to drive the small manufacturer out of business. The great manufacturer may be able to stay in, he can weather the storm for a few years, he may be able to go ahead with development and take a loss this year and again next year and the year after, but if the little man who is trying to do business with the Government suffers a loss this year and another loss next year he is going to be put out of business, that is all. No one is going to continue to invest in his concern if it cannot make a profit.

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

Mr. MAAS. I yield.

Mr. SABATH. A great many manufacturers who have been doing work for the Government have gone bankrupt and lost a great deal of money.

Mr. MAAS. Yes.

Mr. SABATH. For a long time I was under the impression that they had been making a great deal of money.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. MAAS. I yield.

Mr. VINSON of Georgia. It is interesting in this connection to bring out the fact that the prevailing profit in the aircraft industry on its construction work for the Government is between 5 percent and 6 percent.

Mr. SABATH. That is what they show.

Mr. VINSON of Georgia. That is what is shown by the statisticians from the Bureau of Supplies and Accounts who have the right to go through their books. Only one concern, and that one having a monopoly, ever made any money out of contracts out of proportion to a fair return on Government aircraft work, and that was the Whitney Co., which made about 30-percent profit, but the Government has gone into the business of manufacturing engines in an effort to hold down that enormous profit.

Mr. SABATH. It became necessary for the Government to do that.

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

Mr. MAAS. I yield.

Mr. DONDERO. The Tobey amendment is directly in line with the McSwain bill to take the profits out of war, which passed the House sometime ago. Does not the gentleman think that perhaps the only way to reach a solution of the problem of profits on Government work is for the Government to build its own ships?

Mr. MAAS. No; I will say to the gentleman I think that is very unwise. I have for a number of years given a great deal of study to the question of the Government manufacturing its own munitions and its own instrumentalities of war. I am not discussing the subject now, but in passing I would like very briefly to call the attention of the House to the fact that there are only a few, and a very few, nations on earth that manufacture their own munitions. If we go into the business of manufacturing our own munitions and instrumentalities of war, we have destroyed even the possibility of democracy among nations and the self-determination of governments, because five nations of the earth could and undoubtedly would control the rest of the world. The other nations are not in a position to manufacture their own munitions, and it would mean that they would be absolutely at the mercy of their neighbors who could and did manufacture munitions. Otherwise it would mean that every nation on earth would have to go into the business of creating huge supplies of war reserves which would take billions of dollars out of the normal circulation of commerce, and it would certainly increase the jitteriness of the world. A government manufacturing munitions cannot sell to any other people, because if a government sells munitions, it is in itself an act of war. This Nation was created out of physical resistance against tyranny, and we have no right now to say that no other nation shall have the right to defend itself against aggression. No; I do not think that is the answer.

To go on: A large concern dealing with the Government today can weather the storm and can continue to suffer losses, gentlemen, until all the small concerns are weeded out. Then you will have real collusion. Then you will find what this amendment will cost. Then we will pay the price, and pay it through the nose.

Our greatest protection to an economical Navy is to keep just as many people in business competing for the Navy's business as possible. Mr. Chairman, there is not any very great danger of excess profits on the items which are included in this proposed amendment. The impression has been given that these manufacturers are going to get together and try to recoup all of their losses in their industrial field by one contract with the Government.

Mr. DELANEY. Will the gentleman yield?

Mr. MAAS. I yield to the gentleman from New York.

Mr. DELANEY. As a matter of fact, the total amount of the cost of these articles is very small in comparison to the cost of a ship? I think it is less than one-tenth of 1 percent.

Mr. MAAS. Very small. I thank the gentleman for that contribution.

Mr. Chairman, the effect of excluding scientific apparatus manufacturers from the 10-percent restriction is to insure a continued development of the latest scientific apparatus for our airplanes, for fire control, and communication. In those fields the Government is practically the sole customer of these concerns. The impression that has been left with you that these concerns are going to try to recoup great losses in the industrial field in a single contract with the Government is a lot of bunk and hooey. In the first place, in the scientific field the Government is the only customer, practically, of these concerns; and, in the second place, natural

competition will prevent any very great excess of profits. If a concern had a loss of $100,000 on previous experimental work and they tried to charge it all in on a single contract, there are other competitors whose price would be so low that the original company simply would not get the business. Natural competition is going to protect the Government against excess profits, and we should take measures that will insure natural competition. The only way we are going to suffer is if we destroy competition.

Mr. LUCKEY. Will the gentleman yield?

Mr. MAAS. I yield to the gentleman from Nebraska.

Mr. LUCKEY. Is it not a fact that the Bethlehem Steel Co. is furnishing a large amount of steel for these battleships and gun ships?

Mr. MAAS. That is true; and we are protected by the 10-percent amendment in their case.

Mr. LUCKEY. And the Bethlehem Steel Co. in the last 4 years has paid to their officers in bonuses all the way from one and one-half million dollars to $3,000,000.

Mr. MAAS. Well, I think they are wrong in that respect, and I think we should put a restriction on them. But the thing we are trying to prevent is collusion. Let us go directly to that subject. Let us draft intelligent legislation that will prevent collusion, and then enforce the legislation; but let us not try to do it in this round-about way and thereby hurt all business along the line as we go. Let us strike directly at the problem we are trying to meet.

Mr. SCOTT. Will the gentleman yield?

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

Mr. SCOTT. The gentleman talks about keeping prices down by means of natural competition that would arise. When Admiral Bloch was testifying before the committee he said that there would be a tendency on the part of the contractors to unduly increase their prices in order to insure they would not receive less than 10 percent on their costs. A little bit later he said there was a possibility that a manufacturer might have made 30 or 50 percent on a contract. There may have been collusion before the adoption of this amendment, and there may be collusion after the adoption of the Tobey amendment, but going back to preceding conditions is not going to guarantee matters.

Mr. MAAS. We are proposing to make an intelligent, workable law in the way of a 10-percent restriction on the general business of the Navy.

Mr. SCOTT. Let us keep it, then, until we pass an intelligent law.

Mr. MAAS. I am willing to do that, but in this bill we are asking you simply to remove this 10 percent on scientific apparatus. Do you think the concerns that have developed the automatic pilot, the earth inducter compass, and other things would have developed them if they had been restricted to a 10-percent profit, without any chance to charge in the cost of developing them? Frequently these concerns spend $100,000 on the development of a unit which will sell for perhaps $500.

[Here the gavel fell.]

Mr. DARROW. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. MAAS. Mr. Chairman, these scientific manufacturers for whom we are providing an exclusion are not members of the patents pool. If we want to do something, we should abolish the patents pool in aviation. These concerns are not in that pool. It is readily understood that a manufacturer experimenting with fire-control apparatus has no other customer than the Government.

Mr. Chairman, 90 percent of the scientific advancement in the Navy has come from private initiative in the first instance. The Navy could not and would not be justified in allocating huge sums of money to blind experiments. This has to be left to private industry. But unless private industry has an opportunity to sell a successful commodity to the Government at a reasonable profit there is not going to be a continuation of scientific development and our Navy is going to go to wrack and ruin and every dollar we spend for the Navy will be wasted, because a navy that cannot accomplish its mission to defend our shores is worse than no navy at all, because the people think they have a navy. It would be better and fairer to abolish the Navy outright so that the people would know they were undefended. With the scientific development that is going on the size of ships have been made smaller and more effective. What good would it be to have great lumbering battleships if a 10,000-ton cruiser is developed that could blow the battleship out of the water without even being seen perhaps? Unless we keep abreast of the latest scientific developments we are wasting every dollar that we spend for the Navy and we are failing in our constitutional obligations to provide an adequate national defense. If we were building a navy that was designed to go out for conquest or if we had a roving navy trying to take in other parts of the world, the situation might be different, but we have no such navy. We do not want any more territory. In fact, we are giving away territory that other nations would have kept and exploited. However, we have the obligation to defend our own shores against the possibility of invasion and you and I have not the right to overlook that obligation.

Mr. Chairman, the committee has reported almost unanimously a bill which we feel will make workable the Tobey amendment. I think perhaps there are many wise provisions therein though I do not personally agree with all of them, yet I defer to the members of the committee who have studied the matter. I think we are retaining all of the benefits we can get out of the Tobey amendment in this bill, and at the same time eliminating those features which will help destroy the efficiency of the Navy and which will only increase the cost of doing business to the Navy and which will, if anything, increase the danger of collusion. It will certainly deny us and our Navy the benefit of the latest scientific developments, because soon there will not be any more scientific developments.

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

Mr. MAAS. I yield.

Mr. TOBEY. Does the gentleman believe the statement he has just made, that there will be no more development if this bill does not pass?

Mr. MAAS. Certainly no comparable development——

Mr. TOBEY. The gentleman said there would be no more development. Does the gentleman stand on that?

Mr. MAAS. It depends on what the gentleman means. Does the gentleman want me to qualify my statement?

Mr. TOBEY. I think the statement should be qualified; yes.

Mr. MAAS. I say there will be no more scientific developments——

Mr. TOBEY. If this bill does not pass?

Mr. MAAS. Yes.

Mr. TOBEY. The gentleman says there will not be any more scientific development in the Navy Department of this country——

Mr. MAAS. I did not say in the Navy Department, but in private industry.

Mr. TOBEY. Does the gentleman really mean that?

Mr. MAAS. Of course I mean it or I would not say it. There will be no more development in the field I am talking about.

Mr. TOBEY. I am very sorry for the gentleman.

Mr. MAAS. The gentleman need not be sorry for me.

Mr. TOBEY. I am very sorry for the gentleman.

Mr. MAAS. I thank the gentleman for his consolation, but I assure him that I do not need it.

Mr. TOBEY. Your argument does.

Mr. MAAS. What does the gentleman know about the Navy? Has the gentleman ever been on a battleship?

Mr. TOBEY. Yes.

[Here the gavel fell.]

Mr. VINSON of Georgia. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. McFARLANE].

Mr. McFARLANE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McFARLANE. Both the ranking majority and minority members of the committee are distributing the time

and they are in favor of the legislation. I rise at this time in opposition to it and I ask unanimous consent for 1 hour's time.

The CHAIRMAN. The gentleman has been recognized for 10 minutes.

Mr. McFARLANE. Mr. Chairman, I submit a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McFARLANE. May I ask whether or not we who are opposed to this legislation are entitled to our proportionate part of the time under the rules of the House?

The CHAIRMAN. The Chair stated the rule at the opening of the debate. Under the rules of the House, the Chair stated debate would proceed for 2 hours, one-half of which was to be controlled by the chairman of the committee and one-half by the ranking minority member of the committee.

Mr. McFARLANE. I understand that.

Mr. TOBEY. Mr. Chairman, will the gentleman yield to me?

Mr. McFARLANE. Yes, sir; I yield.

Mr. TOBEY. Mr. Chairman, the gentleman yields to me and I wish to make this point. The rules of the House state that on Calendar Wednesday there shall be 1 hour for those in favor of a bill that is called up and 1 hour for those in opposition.

The CHAIRMAN. The Chair has ruled. The gentleman from Texas is recognized for 10 minutes.

Mr. McFARLANE. Mr. Chairman, I am very sorry I shall not have sufficient time to develop and answer the arguments that have been made here as I would like to. In the brief time I have I do want to point out some of the arguments against this legislation, and I hope you will give me your attention.

Mr. Chairman, this measure should be entitled "A bill to take all of those dealing with the Navy out from under the limitations of the 10-percent excess-profits clause enacted by the last Congress." Now, why do I say this? If you will refer to the bill itself, you will find that the exemptions are sufficiently broad, and if there is any doubt about the matter, they leave it up to the Secretary of the Navy to broaden them, and any Secretary of Navy we have had, certainly since the World War, has never failed at any time that I have ever heard of, when called upon, to make his general provisions broad enough to allow those dealing with the Navy to get out from under any procurement law we have passed.

Let me relate to you a little history in this regard. You older Members will remember that in 1926 the Congress enacted what is called the "Aircraft Act" of that year, and under that law there was required competition in the purchase of all aircraft equipment by the Army and Navy Departments. Contrary to this law and contrary to the opinions of the Judge Advocate General of the Army and the Judge Advocate General of the Navy, the procurement divisions of both the Army and the Navy, year after year since that time, have bought their equipment in violation of the provisions of this law, according to the Comptroller General's construction of the contracts on file with him, which I placed in the CONGRESSIONAL RECORD as a minority report on the investigation which we made and which clearly showed that more than 92 percent of all the aircraft equipment purchased since 1926 down to that time had been bought in open violation of the law, and that the record from the Comptroller's office stands today before you uncontradicted. I trust the Membership will read my report filed in the RECORD, pages 10034 to 10064, of the Seventy-third Congress, second session, which report goes thoroughly into the system of procurement of aircraft equipment of the Navy Department.

Under this bill you are going to give the Secretary of the Navy this broad power. There are several other limitations, but this is the last one, and in case all the others fail to work they put in a clause which will, in effect, exempt them all and which provides that "this section shall not apply to contracts or subcontracts for scientific equipment used for communications"—broad as the heavens—"target detection"—no limitation—"navigation"—that covers the whole field of navigation and there is no limitation there—"and fire control"—no limitation, and all these terms to be left to such discretion and control as may be so designated by the Secretary of the Navy.

Does this leave any doubt in your mind as to what this provision means? Certainly not. It means that any kind of equipment that is purchased by the Navy will come out from under this 10-percent limitation in any contract if you enact this law.

Now, there has been some question raised about who is interested in this legislation. Some Members would have you believe, according to their speeches here, that they are interested in the little fellow. Oh, how we set him up as a straw man and knock him down. Who is it that comes before Congress advocating this legislation? Is it the taxpayer? No. Is it the little fellow wanting Navy business that he will never get? No. Well, who is it? I will tell you who it is, and the hearings show it, and you can read the hearings—they speak for themselves—the president of the Sperry Corporation, a holding company for many of these scientific-instrument manufacturers and one of the largest sellers of naval equipment to the Navy. This is no. 1 of the little taxpayers or little concerns that appeared before the Naval Affairs Committee wanting to come out from under the provisions of this law. Who else appeared? Of course, all the admirals down there in the Department. Somehow or other they are always before our committee when legislation of this kind is pending, pleading to take the lid off.

If there is any chance of competition when contracts are let, we failed to find it. It is familiar to you gentlemen—I do not have the record of the Nye investigating committee before me, but Senator NYE has frequently made statements to the effect that they have found to his satisfaction that there was collusion in the letting of certain contracts of the Navy, and also facts were found bordering on fraud and collusion in the manufacture of munitions. You can draw your own interpretation of the investigation—you have read the results of their hearings from day to day as related by the press—I have given you mine. Is it going to help any to loosen the law before it has had a chance to operate?

Mr. LUDLOW. Will the gentleman yield?

Mr. McFARLANE. I yield to the gentleman.

Mr. LUDLOW. The gentleman is convinced, is he not, that the Tobey amendment is salutary legislation? Does not the gentleman think that it is wise legislation; that it has accomplished a great deal of good; and that it should remain on the statute books unimpaired?

Mr. McFARLANE. I certainly do.

Mr. LUDLOW. And the gentleman thinks, does he not, that this legislation that is proposed in the pending bill will emasculate the Tobey amendment?

Mr. McFARLANE. It is going to strike out and emasculate it before it has had a chance to operate.

What is the situation? Here the Treasury Department has not had even time to make the estimates under the law. Let me read you the testimony of Captain Bowen, who appeared before our committee. You will find it on page 1550 of the hearings:

> Captain BOWEN. Since the enactment of the 10-percent profit clause of the Vinson bill, no company has refused to bid on any contract, as far as this Bureau is concerned, due to the 10-percent-profit clause; therefore there are no facts available to substantiate any statement as to whether or not the 10-percent-profit clause has had any effect on economy and efficiency of that part of the naval administration represented by the Bureau of Engineering.

Mr. MAAS. Will the gentleman yield?

Mr. McFARLANE. Yes; I yield.

Mr. MAAS. Was not there testimony that some contracts had been completed at cost or at a loss?

Mr. McFARLANE. There were some statements made before our committee of that character, as shown by the memorandum handed me by Mr. Moore. However, the rulings of the Internal Revenue Department show that all these companies have been dealt with very fairly on all allowances and deductions, and I see no reason why we should give special allowances to these corporations dealing with the Navy. History records that they have been gen-

erously dealt with in the past. Most all these companies operate under patents that give them monopoly, and they are not satisfied with that; they want to further profiteer.

Mr. MAAS. Has anybody made a 10-percent profit?

Mr. McFARLANE. There has been no definite information brought before the committee on either side, except the testimony of Captain Bowen and the statement made by Mr. Moore, of the Treasury Department, as contained in the above memorandum, which does not cover, as I understand it, any full taxable year for any company. Mr. Chairman, I ask unanimous consent to extend my remarks and to include therein this record from the Treasury Department and certain other excerpts of testimony from the hearings.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The matter referred to follows:

Contractor	Date of report	Details reported				
		Contract price	Cost	Profit	Loss	Profit ratio
						Percent
The Babcock & Wilcox Tube Co	Jan. 4, 1935	$11,332.19	$11,053.53	$278.66		2.46
Eclipse Aviation Corporation	Mar. 21, 1935	17,187.57	19,167.50		$1,979.93	
Do	Feb. 2, 1935	19,910.00	17,979.50	1,930.50		9.7
Farrel-Birminghan Co., Inc	Mar. 27, 1935	48,321.00	71,316.88		22,995.88	
Pratt & Whitney Aircraft Co	Dec. 7, 1934	10,739.25	11,029.44		290.19	
Hirsch Lumber Co	Mar. 7, 1935	11,460.20	11,152.48	307.72		2.7
Hunterspoint Lumber & Supply Co., Inc	Mar. 14, 1935	36,036.89	35,329.41	707.48		1.9
The International Nickel Co., Inc	Mar. 12, 1935	24,844.80	15,501.08	9,343.72		[1] 37.6
The M. W. Kellogg Co	Apr. 1, 1935	21,704.00	21,341.61	362.39		1.7
The Louis Allis Co	Dec. 22, 1934	17,158.50	15,979.94	1,178.56		6.8

[1] Amount of excess profits paid into Treasury, $6,859.24.

Mr. ZIONCHECK. Will the gentleman yield?

Mr. McFARLANE. I yield.

Mr. ZIONCHECK. Has the gentleman had the information that cruisers which cost the Government nine or ten million dollars in 1932 now cost thirteen or fourteen million dollars?

Mr. McFARLANE. The gentleman was a member of the committee and knows that battle cruisers that cost us seven or eight million dollars in 1932 are now costing from thirteen to fifteen million dollars, depending on the company that gets the contract.

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

Mr. VINSON of Georgia. I yield to the gentleman 2 additional minutes.

Mr. Chairman, will the gentleman yield?

Mr. McFARLANE. Yes.

Mr. VINSON of Georgia. In response to the question of the gentleman from Washington [Mr. ZIONCHECK] as to the cost of ships going up from 1932 and 1933 to what they are today, around about nine or ten or eleven million dollars——

Mr. McFARLANE. The gentleman does not mean that is what they are now costing the Government?

Mr. VINSON of Georgia. What the last bids were.

Mr. McFARLANE. Thirteen million dollars to fifteen million dollars.

Mr. VINSON of Georgia. Whatever it is, was it not brought about by the Shipbuilders' Code of the N. R. A., and is not the tendency of the whole administration to increase the cost of everything and reduce the value of the dollar?

Mr. McFARLANE. Oh, that is the excuse the shipbuilding contractors have given for increasing the price of their bids, but I have never believed it.

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

Mr. McFARLANE. Yes. I yield.

Mr. WOOD. Is it not a fact that the shipbuilders themselves drafted the code?

Mr. McFARLANE. The shipbuilders drafted their code, just like big business generally has drafted every other code, and the Members of this House know that is true.

Mr. ZIONCHECK. The navy-yard costs have not increased in proportion to the private-yard cost.

Mr. McFARLANE. That is true, to the best of my knowledge.

Mr. VINSON of Georgia. Oh, the gentleman from Washington [Mr. ZIONCHECK] and the gentleman from Texas [Mr. McFARLANE] both make the statement with reference to the navy yard not increasing in the same proportion to the industrial yard.

Mr. McFARLANE. Yes; and I believe the records will show that.

Mr. VINSON of Georgia. The records do not show anything of the kind. The records show that the price of steel to the navy yard is the same as the price of steel to the industrial yard.

Mr. McFARLANE. We are talking about total ship cost to the Government.

Mr. VINSON of Georgia. The record shows that the labor in the navy yard costs more than the labor in the industrial yard.

Mr. ZIONCHECK. That is true.

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

Mr. McFARLANE. I ask unanimous consent to extend my remarks in the RECORD and to include therein certain excerpts.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. VINSON of Georgia. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Three minutes.

Mr. VINSON of Georgia. I yield those 3 minutes to the gentleman from California [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, of course, it is not right to stand here and discuss this bill with so few Members of the House present, because when it comes to a vote, a lot of Members will come in, just as they do in the committee, to cast their vote, without knowing what the discussion is about. I have seen it happen in the past. When they come in they will find out how the chairman is voting and vote with him. I am sorry that this is going to happen on this bill. I do not approve of the bill. With the first part of it, having to do with holding companies, I am not so much concerned. It is with the second provision that I am concerned. Under the original bill the profit of 10 percent was limited to each contract. When the shipbuilder had a contract, if he made more than 10 percent on it, he had to give that excess back to the Government. What they want to do here is to provide that he may take his contracts for the entire year and figure his net profit or loss for the year. If he has a net loss for one year, he is given the privilege of going into the next year to offset that loss against a possible gain in that following year. If you know anything at all about the bookkeeping of modern corporations, you know that they have three sets of books. The first set of books is for their own use. The second set usually goes to the income-tax collector. The third set of books is for their stockholders, so that when it comes time, if they have to show what their profits have been this year, they can cover it up, and you know that that has happened time after time. It has come out in all kinds of investigations. What is to prevent a company this year showing a loss by

manipulation with the operating companies under the control of the holding companies, and then coming back next year and asking that they may make their 10-percent profit, so as to cover up all this fictitious loss of the preceding year?

Mr. MAAS. This does not apply to holding companies. The Government cannot deal with a holding company. It must deal direct with the manufacturing company.

Mr. SCOTT. But a manufacturing company can be a holding company.

Mr. MAAS. Does not the gentleman realize that, if they show an enormous loss this year, next year the profit would be so high that they would not get it?

Mr. SCOTT. That does not make any difference. As Admiral Block said, when they come back next year they will show a profit.

Mr. MAAS. The price would be so high that they would not get the award.

Mr. SCOTT. Not if they all get together and have the same price.

Mr. McFARLANE. The gentleman from Minnesota [Mr. MAAS] voted for the amendment to strike out the whole 10-percent limitation entirely.

Mr. MAAS. And I am in favor of striking it out now.

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

Mr. DARROW. Mr. Chairman, in the first place, this 10-percent limitation applies only to the Navy Department. Why that limitation should be placed upon the Navy Department only I was never able to thoroughly understand.

As I recall, in all of our investigations, particularly in the case of aircraft, the Navy Department showed a better record than any other department, as far as profits were concerned. Now, it is my feeling that as long as we are to have a Navy, that Navy should be equipped with the best devices and the most up-to-date scientific equipment that it is possible to get. This limitation on scientific equipment in particular does put a handicap on scientific investigation and retards it.

I hope that we may never again send our Navy into battle, but if we do I want the men who are on our ships to have the best equipment that can be provided. [Applause.]

I do hope that this bill will pass. I think it is in the interest of the Government itself and that competition will solve the question of excess profits if it is permitted to operate in the natural way. In my judgment, there is no necessity for placing undue restrictions upon it. That applies particularly to that last amendment which seeks to exempt scientific equipment of a specific character. I appeal to my colleagues to help us pass this bill.

Mr. MILLARD. Will the gentleman yield?

Mr. DARROW. I yield.

Mr. MILLARD. With the N. R. A. out, it allows competitive bidding?

Mr. DARROW. It does allow competitive bidding, and I am sure there will be competitive bidding if the field is left wide open for it.

If we are to maintain the principle that there shall be an arbitrary limitation of profit on naval contracts, we are doing our utmost to discourage scientific development and experimentation for the advancement of naval efficiency.

Many examples could be presented to show how enormous sums have been expended in experimentation before an instrument or scientific device had been perfected, as anyone with only a slight knowledge of such work is aware; and if such a product when completed and marketed can be sold at only a 10-percent profit over its cost of manufacture, you will find future experimentation will be considerably limited or restricted.

I want our Navy to have the full benefit of science as it may be developed by American initiative, and for that reason am pressing for the passage of this bill.

Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. All time has expired.

Mr. TOBEY. Mr. Chairman, has all time expired?

Mr. McFARLANE. Mr. Chairman, a parliamentary inquiry. I would like to have about 10 minutes on this bill.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. DARROW] was recognized for the remaining time. The gentleman from Pennsylvania spoke on the bill and at the conclusion of his remarks did not attempt to yield any of the time remaining to him.

Mr. TOBEY. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. TOBEY. I refer to the rules of the House. I read:

Provided, That not more than 2 hours of general debate shall be permitted on any measure called up on Calendar Wednesday, and all debate must be confined to the subject matter of the bill, the time to be equally divided between those for and against the bill.

Now, we come here and 1 hour's time is given the gentleman from Georgia [Mr. VINSON] and 1 hour to the gentleman from Pennsylvania [Mr. DARROW]. As a matter of fact, the time used against the bill has been 25 minutes by the gentleman speaking and 10 minutes by the gentleman who just concluded, 35 minutes in all. We have had 23 minutes short of our allotted time, and I make the point of order that it is not right to hold that all time has expired.

The CHAIRMAN. Eleven minutes remain of the time of the gentleman from Pennsylvania [Mr. DARROW].

Mr. TOBEY. Will the gentleman yield me half of that time?

The CHAIRMAN. If the gentleman sees fit to allot the balance of his time, that is his privilege. If he does not and yields the floor, the Chair will recognize some Member in opposition to the bill.

Mr. DARROW. Mr. Chairman, I divided my time equally between those for and against the passage of the bill.

I yield back the balance of my time.

Mr. McFARLANE. Mr. Chairman, I ask recognition for the remaining 11 minutes in opposition to the bill.

The CHAIRMAN. Nine minutes remain. The gentleman from Texas [Mr. McFARLANE] is recognized for 9 minutes.

Mr. McFARLANE. Mr. Chairman, I hope I may have close attention in these few remaining minutes, so that I can go further into this measure now pending before us. As to the tax provision of this bill, it reads as follows:

Provided, That if there is a net loss on all such contracts or subcontracts completed by the particular contractor or subcontractor within any income taxable year, such net loss shall be allowed as a credit in determining the excess profit, if any, for the next succeeding income taxable year.

Mr. MAAS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MAAS. Under what parliamentary situation is the gentleman from Texas now occupying the floor?

Mr. McFARLANE. Mr. Chairman, this should not be taken out of my time.

The CHAIRMAN. The Chair ruled that 1 hour having been allotted to the gentleman from Pennsylvania in opposition to the bill, he having used 51 minutes of that time altogether, and having yielded the floor, under the general rules of the House any Member is entitled to recognition to use the time remaining in opposition to the bill.

Mr. MAAS. Mr. Chairman, I think the Chair is in error. The gentleman from Pennsylvania reserved the balance of his time.

The CHAIRMAN. The Chair has ruled, and the gentleman from Texas has been recognized. The gentleman from Texas will proceed.

Mr. McFARLANE. Mr. Chairman, as to this income-tax provision change in this bill over the present law, it is giving to contractors dealing with the Navy Department a right to deduct their losses for income-tax accounting in the following year, which no other income-tax payer now has under existing law.

Why should we favor those dealing with the Navy Department and give them a special right that individual taxpayers do not have, by which these large concerns will cover up any losses made this year in the profits they will make the next year? It is not right. It is not fair. It is not

just. That is in keeping with the whole intent and purpose of this bill. This bill ought to be defeated. It ought to be voted down. The Tobey amendment ought to be given a chance to function. Let us see what it does. We do not have any definite information before this Committee now that will tell us or give us any definite idea as to what the Tobey amendment under existing law will do. Those are the net facts; you cannot deny them.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. McFARLANE. I yield.

Mr. VINSON of Georgia. Is it not a fact that on the gentleman's own motion, as is disclosed by the hearings, he suggested substituting the taxable-year basis for the individual contract basis?

Mr. McFARLANE. Yes; and I am willing to open it up and still make the tax accountable on a whole year's business, just such an accounting as each of us has to make. My amendment, which would have treated these corporations as you and I are treated and cause them to make their tax returns on the taxable year, was voted down. These companies dealing with the Navy want the right under this bill to hide any losses made this year by deducting those losses from the profits they make next year. This amendment goes further than that. They were not willing to have the same right allowed the individual taxpayer as well as all others under existing tax laws. They want a 2-year tax accountability and today no one else has that right. This bill makes an exception of those dealing with the Government and allowed them to offset their losses this year, the following year; and this is not fair; it is not right; it is not fair to the Government. There was not a single little taxpayer who appeared before our committee for this legislation, no little business concern asked for this legislation; it was asked for by the subsidized trades, big business. Big business asked for this. No one else appeared before the commttee asking for this legislation other than representatives of the Navy Department. Bear that in mind, gentlemen. They are not interested in protecting little business; they want to put further brass rivets in the laws to protect big business. [Applause.]

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

Mr. McFARLANE. Mr. Chairman, I decline to yield. The gentleman tried to keep me off the floor even after I had secured time, in spite of the fact that more than three-fourths of the time during the consideration of this bill has been used by those favoring the legislation—you have tried to keep us from fully discussing the merits of this legislation.

Mr. Chairman, that has been the purpose during the consideration of this bill; that has been the purpose of those in charge of the consideration of this legislation. They do not want to give us a chance. They do not want to give us an equal division of time, because they know their arguments will not stand up on it.

As to scientific instruments, if there was any doubt left it has been completely taken out of it for manufacturers of such instruments are taken from under the provisions of this law, and are given a 2-year accounting period within which to further exploit the Government. That is what it does. These highbinders come here with such clean hands. I believe in an old axiom of equity, "That he who asks equity must do equity; and that he who comes into a court of equity must come with clean hands." These gentlemen have not done that; these men who come here asking for this relief. They come here before they have suffered any loss or applied for any allowable deduction for experimental or development work, such as they are allowed to do under the rules of the Treasury Department. They are allowed to offset that in their income-tax returns under the Tobey amendment. Let me quote from the hearings on this point:

Mr. McFARLANE. I want the Government not to pay this research and development expense that they want to saddle off on us on stuff we are not interested in. They are taking the whole plant from which we are buying only certain articles. If we let that procedure go through the whole overhead expense is charged to the Government.

Mr. MAAS. No; they would be permitted to charge a proportionate share of their overhead. If you, as an individual, go and buy an engine you are charged with the engine proportionate share of the overhead of that concern. Why should not the Government do the same thing?

Mr. McFARLANE. The Government does that now, as I understand the situation. Mr. Moore, is it not true that the Internal Revenue Department allows all of the allowed deductions for overhead on all products that are purchased by the Navy Department now under the 10-percent clause, and that what they are trying to do under this procedure is that they want their allowances made for complete overhead on development charges of their entire plant—in other words, on stuff other than what the Government is buying from them? Is that true?

Mr. MOORE. That is my understanding of it. They want to extend it.

What do they want to do? They want to be allowed to offset experimental and development cost that has nothing to do with any Government contract. Let me read you some of the charges they are making the Government under these contracts—these high pirates who come here and ask to be taken out from under the 10-percent limitation law. It has cost the Government about $25,000 for the education of Mr. B. E. Gillmor, president of the Sperry Co.; and, by the way, we are educating practically all of the executives and technical men in the key positions of most of the concerns who sell the Army and Navy equipment; their personnel receive their training in the Army and Navy War College. About 75 percent of their experts they obtain from the Government for reasons that are quite apparent.

I find here the testimony of Mr. Gillmor, a former commander in the Navy, and he was the principal witness who appeared before the committee advocating this legislation. The hearing of our subcommittee last year made a study of aircraft procurement. I went as carefully into the subject as I could—see my minority report, pages 10034–10064, of the RECORD last session. I showed from this report what some of these same concerns now asking for this legislation charged us under noncompetitive contracts paid for out of P. W. A. funds.

Propellers cost us $2,389.54 each, buying them in lots of 22. When we bought propeller hubs in lots of 50 we paid $1,315 for them. This is what happened last year under a situation where there was no competition. For transmitting equipment we paid $564.92 each; octants, $220 each. For directional gyros we paid $401.92 each; and that was on a contract for 480 directional gyros purchased, by the way, from the Sperry Co., of which Mr. B. E. Gillmor is president, and the principal witness before our committee asking for this legislation.

Mr. GRAY of Indiana. Mr. Chairman, will the gentleman yield?

Mr. McFARLANE. I yield.

Mr. GRAY of Indiana. Mr. Chairman, will the gentleman explain why if a so-called "experimental contractor" suffered a loss it should be made up to him in his contract?

Mr. McFARLANE. I am sorry I have not time to go into the subject. My time has expired. I ask you to vote down this bill and give the Tobey amendment a chance to work out. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That section 3 (b) of an act entitled "An act to establish the composition of the United States Navy with respect to the categories of vessels limited by the treaties signed at Washington, February 6, 1922, and at London, April 22, 1930, at the limits prescribed by those treaties; to authorize the construction of certain naval vessels; and for other purposes", approved March 27, 1934 (48 Stat. 505), is hereby amended by inserting the words "*Provided*, That such excess profit under contracts and subcontracts under this section shall be determined on the basis of periods of 2 taxable years of the contractor or subcontractor and the surety under the contracts shall not be liable for the payment of such excess profit," after the words "the property of the United States;" by inserting the word "further" after the word "*Provided*" and by deleting the word "may" after the words "Secretary of the Treasury" and substituting therefor the word "shall", so that, as thus amended, said section 3 (b) will read as follows:

"SEC. 3. (b) To pay into the Treasury profit, as hereinafter provided shall be determined by the Treasury Department, in excess of 10 percent of the total contract price, such amount to become

the property of the United States: *Provided*, That such excess profit under contracts and subcontracts under this section shall be determined on the basis of periods of 2 taxable years of the contractor or subcontractor and the surety under the contracts shall not be liable for the payment of such excess profit: *Provided further*, That if such amount is not voluntarily paid the Secretary of the Treasury shall collect the same under the usual methods employed under the internal-revenue laws to collect Federal income taxes."

With the following committee amendment:

Beginning on page 2, line 4, after the word "amended" strike out the remainder of the bill and insert the following: "by striking out the word 'price' and inserting the words 'prices, of such contracts within the scope of this section as are completed by the particular contracting party within the income-taxable year', after the words 'of the total contract'; by inserting the words 'but the surety under such contracts shall not be liable for the payment of such excess profit: *Provided*, That if there is a net loss on all such contracts or subcontracts completed by the particular contractor or subcontractor within any income-taxable year, such net loss shall be allowed as a credit in determining the excess profit, if any, for the next succeeding income-taxable year:' after the words 'property of the United States'; by inserting the word 'further' after the word '*Provided*'; by deleting the word 'may' after the words 'the Secretary of the Treasury' and substituting therefor the word 'shall'; and by adding at the end of the section the following proviso: '*Provided further*, That all provisions of law (including penalties) applicable with respect to the taxes imposed by title I of the Revenue Act of 1934, and not inconsistent with this section, shall be applicable with respect to the assessment, collection, or payment of excess profits to the Treasury as provided by this section, and to refunds by the Treasury of overpayments of excess profits into the Treasury: *And provided further*, That this section shall not apply to contracts or subcontracts for scientific equipment used for communication, target detection, navigation, and fire control as may be so designated by the Secretary of the Navy, and the Secretary of the Navy shall report annually to the Congress the names of such contractors and subcontractors affected by this provision, together with the applicable contracts and the amounts thereof.' so that as amended said section 3 (b) will read as follows:"

"SEC. 3. (b) To pay into the Treasury profit, as hereinafter provided shall be determined by the Treasury Department, in excess of 10 percent of the total contract prices, of such contracts within the scope of this section as are completed by the particular contracting party within the income taxable year, such amount to become the property of the United States, but the surety under such contracts shall not be liable for the payment of such excess profit: *Provided*, That if there is a net loss on all such contracts or subcontracts completed by the particular contractor or subcontractor within any income taxable year, such net loss shall be allowed as a credit in determining the excess profit, if any, for the next succeeding income taxable year: *Provided further*, That if such amount is not voluntarily paid the Secretary of the Treasury shall collect the same under the usual methods employed under the internal-revenue laws to collect Federal income taxes: *Provided further*, That all provisions of law (including penalties) applicable with respect to the taxes imposed by title I of the Revenue Act of 1934, and not inconsistent with this section, shall be applicable with respect to the assessment, collection, or payment of excess profits to the Treasury as provided by this section, and to refunds by the Treasury of overpayments of excess profits into the Treasury: *And provided further*, That this section shall not apply to contracts or subcontracts for scientific equipment used for communication, target detection, navigation, and fire control as may be so designated by the Secretary of the Navy, and the Secretary of the Navy shall report annually to the Congress the names of such contractors and subcontractors affected by this provision, together with the applicable contracts and the amounts thereof."

Mr. McFARLANE. Mr. Chairman, I offer a preferential amendment.

The Clerk read as follows:

Amendment offered by Mr. McFARLANE: Strike out the enacting clause.

Mr. McFARLANE. Mr. Chairman, I hope I may have the attention of the Membership for just a few minutes. I have offered an amendment that will cure the evils in this bill, and I hope the Members will vote for it. It is an amendment to strike out the enacting clause of the bill. Why do I offer it? I do so for many reasons: First, because the present law has not had time to operate. Let us give it a chance. There has not been definite information before our committee upon which we should base such legislation as that contained in the pending bill. The Department has reported that nobody failed or that nobody has refused to bid on contracts under the Tobey amendment limiting profits to 10 percent. We do not have any information from the Internal Revenue Department that would justify us in repealing this law before we have had a chance to see how it operates.

If this bill is passed, what have we done? What do we do? We are undoing the work of the last Congress that passed this 10-percent limitation provision, limiting the profit to all those dealing with the Navy Department. That is what they did under the present law, and this bill comes in with two specific amendments which in effect will nullify the good provisions of the 10-percent limitation provision placed in the law last year; there is no use denying that.

Mr. FITZPATRICK. It is not 10 percent under the present bill.

Mr. McFARLANE. Yes; under existing law it is 10 percent excess profits limitation in each contract with the Navy, but if this bill is passed they will be in effect guaranteed 10-percent profit. The bill itself does not say that, but under the provisions written into it very carefully that result is permitted. Now do not forget that. Let the issue be clear and plain. Let us take all the sugar coating off. If you are in favor of giving the Department a chance to see what the present law will do vote for my amendment. There are only two or three concerns which sell the Government its ships. There is very little competition, as the record will show.

The situation certainly cannot be tied up any worse than by the patents pool which grants a monopoly for 17 years. Yet the holders of these patent rights are not satisfied. They want to come down here and sandbag the Government and want us to take the 10-percent limit off them on each contract and allow them to make tax accounting on a 2-year basis rather than a 1-year basis as required of all other taxpayers. Of course, they want to come out from under this law, and they will not even wait until the ink dries before they come in here demanding this be done—this bill was reported out of the committee only day before yesterday. They are closing on this legislation like the Sentinels of the Republic did in repealing the "pink slip" law—they just cannot wait to give it a chance; it might hurt big business.

I hope the membership will vote to strike out the enacting clause so that we may give the present law an opportunity to function. Let us give it a chance to do what it ought to do.

As to these scientific instruments, Mr. Chairman, that came in with the last catch-all amendment, may I say that the hearings before our committee last year brought out clearly the enormous profits made by these gentlemen. You read them in the papers every day for 2 or 3 months last year as to the enormous profits that were made. If this bill is passed, it will take off the only amendment we have that will limit those profits. This bill, if passed, has the effect of guaranteeing a 10-percent profit to those dealing with the Navy Department.

In final conclusion, may I say that the cost of construction to the Navy Department during the past 3 years has been more than doubled in many instances. Those are the facts that the taxpayer has to face. They pay the bill. The cost of equipment to the Navy Department as well as the other departments using similar equipment has more than doubled, yet these companies come in and ask that you practically nullify that law. [Applause.]

[Here the gavel fell.]

Mr. VINSON of Georgia. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Texas [Mr. McFARLANE], just before he concluded, stated that this bill guaranteed a 10-percent profit to naval contractors. In all deference to the gentleman from Texas [Mr. McFARLANE], he is absolutely in error, and there is not a scintilla of evidence nor a single word in the bill that can justify that statement. Before the gentleman proceeded to obtain five additional minutes by offering an amendment to strike out the enacting clause, he saw fit to arraign and belittle the Navy and even the Secretary of the Navy. He stated that the Secretary of the Navy would include everything as scientific instruments. The trouble about my colleague the gentleman from Texas

[Mr. McFARLANE] is that he talks so much he does not know half the time what he is saying. When this bill was pending before the committee the gentleman had this to say:

This is a question of efficiency, and I think the Navy Department is one of the most efficient departments of the Government.

Mr. McFARLANE. Where is the gentleman reading from?

Mr. VINSON of Georgia. I am reading from the gentleman's statement on page 1412. I wish the Members of the House had an opportunity to read all of these hearings. On the motion of the gentleman from Texas [Mr. McFARLANE], in the committee, the Department's bill was changed from 2 years to 1 year.

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

Mr. VINSON of Georgia. No. The gentleman should get his time. I have mine.

Mr. McFARLANE. Is the gentleman going to state the facts as the record shows?

Mr. VINSON of Georgia. I will prove it to the gentleman right now. On page 1410 the gentleman from Texas [Mr. McFARLANE] had this to say:

It should be on the same taxable-year basis as under existing law.

Mr. McFARLANE. But this bill does not do that.

Mr. VINSON of Georgia. It does do that. The Navy Department when it first sent the bill in suggested that they should have 2 years to compute their excess profit. Here is a letter from Secretary Morgenthau, which appears on page 1407, recommending the 2 years. During the hearing it was at the instance of our distinguished and learned friend, the gentleman from Texas [Mr. McFARLANE], that the committee changed the language to read from 2 years to 1 year.

The gentleman from New Hampshire [Mr. TOBEY] talked about collusion of shipbuilders. This bill has nothing in the world to do with any collusion of shipbuilders, but it has a great deal to do with collusion of bondholders. We are trying to stop this collusion between bondholders, holding the taxpayers of this country in the amount of $800,000 to $1,000,000 a year, and the learned gentleman from New Hampshire is advocating the permission of them to continue to do so. This is the issue here.

The Treasury Department and the Department of the Navy say we should stop this collusion and stop these bondholders from being permitted to charge these high rates, and the gentleman from Texas [Mr. McFARLANE] and the gentleman from New Hampshire [Mr. TOBEY] are rallying to these highjackers in the bond business holding up the taxpayers by increasing the rates from $5 to $40 a thousand on these bonds.

Mr. McFARLANE. The gentleman has used my name; will he yield for a question to correct the RECORD?

Mr. VINSON of Georgia. Not now.

Mr. COLDEN. Mr. Chairman, will the gentleman yield at this point?

Mr. VINSON of Georgia. Yes.

Mr. COLDEN. Since this bond matter has assumed the appearance of a racket in jumping from $5 to $40 a thousand, why cannot these bonds be eliminated and the Government allowed to deal directly?

Mr. VINSON of Georgia. You have got to have a performance bond. It is in the interest of the Government, and it is in the interest of economy to have this amendment, which the Treasury Department and the Navy Department have suggested.

[Here the gavel fell.]

The CHAIRMAN. The question is on the motion of the gentleman from Texas to strike out the enacting clause.

The question was taken; and on a division (demanded by Mr. VINSON of Georgia) there were—ayes 56, noes 71.

Mr. McFARLANE. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. VINSON of Georgia and Mr. McFARLANE.

The Committee again divided; and the tellers reported that there were—ayes 66, noes 76.

So the motion was rejected.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. VINSON of Georgia. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WILCOX, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 5730) to amend section 3 (b) of an act entitled "An act to establish the composition of the United States Navy with respect to the categories of vessels limited by the treaties signed at Washington February 6, 1922, and at London April 22, 1930, at the limits prescribed by those treaties; to authorize the construction of certain naval vessels; and for other purposes", approved March 27, 1934, had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

Mr. VINSON of Georgia. Mr. Speaker, I move the previous question on the bill and the amendment to final passage.

The previous question was ordered.

The amendment was agreed to.

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

Mr. McFARLANE. Mr. Speaker, I offer a motion to recommit.

The Clerk read as follows:

Mr. McFARLANE moves to recommit the bill to the Committee on Naval Affairs.

Mr. VINSON of Georgia. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit the bill.

The question was taken; and on a division (demanded by Mr. MARCANTONIO and Mr. McFARLANE) there were—ayes 59, noes 88.

Mr. MARCANTONIO. Mr. Speaker, I object to the vote on the ground there is not a quorum present.

The SPEAKER. Evidently there is not a quorum present.

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

The question was taken; and there were—yeas 130, nays 208, not voting 92, as follows:

[Roll No. 93]

YEAS—130

Adair	Fiesinger	Luckey	Sanders, Tex.
Amlie	Fletcher	Ludlow	Sauthoff
Arnold	Focht	Lundeen	Schaefer
Ashbrook	Ford, Calif.	McAndrews	Schneider
Beam	Ford, Miss.	McFarlane	Schuetz
Biermann	Gehrmann	McGehee	Schulte
Binderup	Gilchrist	McGroarty	Scott
Boileau	Gillette	McKeough	Secrest
Buckler, Minn.	Goldsborough	Mahon	Sirovich
Cannon, Mo.	Gray, Ind.	Marcantonio	Smith, Wash.
Carlson	Greenway	Mason	South
Carpenter	Griswold	Massingale	Spence
Cartwright	Gwynne	Maverick	Stefan
Chapman	Hildebrandt	Meeks	Stubbs
Christianson	Hill, Knute	Mitchell, Ill.	Taylor, Colo.
Coffee	Hill, Samuel B.	Mitchell, Tenn.	Terry
Colden	Hoeppel	Monaghan	Thomason
Colmer	Hoffman	Moran	Thompson
Connery	Hope	Moritz	Tobey
Cooper, Tenn.	Hull	Mott	Truax
Costello	Jacobsen	Nelson	Turner
Crawford	Johnson, Okla.	Nichols	Umstead
Crosser, Ohio	Johnson, Tex.	O'Brien	Utterback
Dietrich	Jones	O'Day	Vinson, Ky.
Dobbins	Kenney	Parsons	Wallgren
Dondero	Kimball	Patterson	Wearin
Doxey	Knutson	Patton	White
Dunn, Pa.	Kocialkowski	Pearson	Wood
Eagle	Kopplemann	Pierce	Young
Eicher	Lambeth	Polk	Zimmerman
Ellenbogen	Lanham	Rankin	Zioncheck
Engel	Lemke	Rogers, Okla.	
Faddis	Lucas	Sabath	

NAYS—208

Allen	Ditter	Johnson, W. Va.	Reed, N. Y.
Andresen	Dockweiler	Kahn	Reilly
Andrew, Mass.	Dorsey	Kee	Rich
Andrews, N. Y.	Doughton	Keller	Richards
Arends	Drewry	Kelly	Richardson
Bacharach	Driscoll	Kennedy, Md.	Robertson
Bacon	Driver	Kerr	Robinson, Utah
Barden	Duffy, N. Y.	Kinzer	Robsion, Ky.
Bell	Duncan	Kleberg	Rogers, Mass.
Blackney	Eaton	Kloeb	Rogers, N. H.
Bland	Eckert	Kniffin	Rudd
Blanton	Edmiston	Kramer	Ryan
Bloom	Ekwall	Lehlbach	Sadowski
Boehne	Englebright	Lewis, Colo.	Scrugham
Bolton	Evans	Lord	Sears
Boylan	Fenerty	McCormack	Seger
Brewster	Ferguson	McGrath	Shanley
Brown, Ga.	Fernandez	McLaughlin	Smith, Va.
Brunner	Fish	McLeod	Smith, W. Va.
Buchanan	Fitzpatrick	McMillan	Snell
Buck	Flannagan	McReynolds	Snyder
Buckbee	Frey	McSwain	Somers, N. Y.
Burch	Fuller	Maas	Stack
Burnham	Gavagan	Maloney	Starnes
Caldwell	Gifford	Mapes	Stewart
Carmichael	Gildea	Martin, Mass.	Sullivan
Casey	Gingery	May	Sutphin
Castellow	Granfield	Mead	Taber
Cavicchia	Gray, Pa.	Merritt, Conn.	Tarver
Church	Green	Merritt, N. Y.	Taylor, S. C.
Citron	Greenwood	Michener	Taylor, Tenn.
Clark, N. C.	Greever	Millard	Thom
Cole, Md.	Gregory	Norton	Thurston
Cole, N. Y.	Haines	O'Connell	Tinkham
Collins	Halleck	O'Connor	Tolan
Cooley	Hamlin	O'Leary	Tonry
Corning	Hancock, N. Y.	O'Neal	Turpin
Cox	Harlan	Owen	Vinson, Ga.
Cravens	Hart	Palmisano	Wadsworth
Crosby	Harter	Patman	Walter
Crowe	Higgins, Conn.	Peterson, Fla.	Warren
Crowther	Higgins, Mass.	Peterson, Ga.	Welch
Culkin	Hill, Ala.	Pettengill	West
Cullen	Hobbs	Pittenger	Whelchel
Cummings	Hollister	Plumley	Whittington
Daly	Holmes	Powers	Wilcox
Darrow	Hook	Ramsay	Williams
Deen	Houston	Ramspeck	Wilson, La.
Delaney	Huddleston	Randolph	Wilson, Pa.
Dempsey	Imhoff	Ransley	Wolcott
Dickstein	Jenckes, Ind.	Reece	Wolverton
Dingell	Jenkins, Ohio	Reed, Ill.	Woodruff

NOT VOTING—92

Ayers	Dear	Lambertson	Quinn
Bankhead	DeRouen	Lamneck	Rabaut
Beiter	Dies	Larrabee	Rayburn
Berlin	Dirksen	Lea, Calif.	Romjue
Boland	Disney	Lee, Okla.	Russell
Brennan	Doutrich	Lesinski	Sanders, La.
Brooks	Duffey, Ohio	Lewis, Md.	Sandlin
Brown, Mich.	Dunn, Miss.	Lloyd	Shannon
Buckley, N. Y.	Farley	McClellan	Short
Bulwinkle	Fulmer	McLean	Sisson
Burdick	Gambrill	Mansfield	Smith, Conn.
Cannon, Wis.	Gasque	Marshall	Steagall
Carden	Gassaway	Martin, Colo.	Sumners, Tex.
Carter	Gearhart	Miller	Sweeney
Cary	Goodwin	Montague	Thomas
Celler	Guyer	Montet	Treadway
Chandler	Hancock, N. C.	Murdock	Underwood
Claiborne	Hartley	Oliver	Weaver
Clark, Idaho	Healey	O'Malley	Werner
Cochran	Hennings	Parks	Wigglesworth
Cooper, Ohio	Hess	Perkins	Withrow
Cross, Tex.	Kennedy, N. Y.	Peyser	Wolfenden
Darden	Kvale	Pfeifer	Woodrum

So the motion to recommit was lost.

The following pairs were announced:

On the vote:

Mr. Withrow (for) with Mr. Wolfenden (against).
Mr. Lambertson (for) with Mr. Wigglesworth (against).

Until further notice:

Mr. Smith of Connecticut with Mr. Cooper of Ohio.
Mr. Cary with Mr. Treadway.
Mr. Bulwinkle with Mr. Dirksen.
Mr. Cochran with Mr. Goodwin.
Mr. Oliver with Mr. Marshall.
Mr. Dies with Mr. Short.
Mr. Woodrum with Mr. Thomas.
Mr. Steagall with Mr. Perkins.
Mr. Rayburn with Mr. McLean.
Mr. Parks with Mr. Hess.
Mr. Miller with Mr. Carter.
Mr. Mansfield with Mr. Hartley.
Mr. Bankhead with Mr. Doutrich.
Mr. Boland with Mr. Guyer.
Mr. Cross with Mr. Gearhart.
Mr. Disney with Mr. Burdick.
Mr. DeRouen with Mr. Kvale.
Mr. Romjue with Mr. Werner.
Mr. Farley with Mr. Kennedy of New York.
Mr. Hancock of North Carolina with Mr. O'Malley.
Mr. Celler with Mr. Murdock.
Mr. Lamneck with Mr. McClellan.
Mr. Ayers with Mr. Lloyd.
Mr. Darden with Mr. Montet.
Mr. Chandler with Mr. Beiter.
Mr. Lea of California with Mr. Brennan.
Mr. Larrabee with Mr. Carden.
Mr. Dear with Mr. Lee of Oklahoma.
Mr. Pfeifer with Mr. Duffey of Ohio.
Mr. Sandlin with Mr. Healey.
Mr. Gassaway with Mr. Quinn.
Mr. Weaver with Mr. Rabaut.
Mr. Underwood with Mr. Sanders of Louisiana.
Mr. Gambrill with Mr. Russell.
Mr. Fulmer with Mr. Sweeney.
Mr. Sumners of Texas with Mr. Hennings.
Mr. Gasque with Mr. Sisson.
Mr. Berlin with Mr. Claiborne.
Mr. Lewis of Maryland with Mr. Dunn of Mississippi.
Mr. Montague with Mr. Buckley.
Mr. Brooks with Mr. Brown of Michigan.

Mr. KELLY and Mr. FREY changed their votes from "aye" to "nay."

Mr. KNUTSON changed his vote from "nay" to "aye."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the bill was passed.

On motion of Mr. VINSON of Georgia, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Chair will state to the House that under the special order exercises in memory of the late Speaker Henry T. Rainey will begin in a few moments. Members are requested to remain in their seats.

GEORGE ROGERS CLARK SESQUICENTENNIAL COMMISSION

The SPEAKER laid before the House the following announcement:

Pursuant to the provisions of the act approved May 23, 1928 (45 Stat. 723), as amended by the act approved February 28, 1931 (46 Stat. 1459), the Chair appoints the gentleman from Ohio [Mr. BOLTON] to fill the vacancy on the George Rogers Clark Sesquicentennial Commission.

LEAVE OF ABSENCE

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

To Mr. BROOKS (at the request of Mr. BOLAND), indefinitely, on account of illness.

To Mr. OLIVER (at the request of Mr. HILL of Alabama), indefinitely, on account of illness.

To Mr. SADOWSKI, indefinitely, on account of illness.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 67. An act to repeal certain laws providing that certain aliens who have filed declarations of intention to become citizens of the United States shall be considered citizens for the purposes of service and protection on American vessels;

H. R. 2204. An act for the relief of Robert M. Kenton;

H. R. 2422. An act for the relief of James O. Greene and Mrs. Hollis S. Hogan;

H. R. 2466. An act for the relief of John E. Click;

H. R. 2553. An act for the relief of Eva S. Brown;

H. R. 2683. An act for the relief of Henry Harrison Griffith;

H. R. 4448. An act to provide funds for acquisition of a site, erection of buildings, and the furnishing thereof for the use of the diplomatic and consular establishments of the United States at Helsingfors, Finland;

H. R. 4798. An act 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;

H. R. 5456. An act relating to the powers and duties of United States marshals;

H. R. 5564. An act for the relief of Capt. Russell Willson, United States Navy;

H. R. 5720. An act to amend the National Defense Act of June 3, 1916, as amended;

H. R. 6371. An act to authorize an increase in the annual appropriation for books for the adult blind;

H. R. 6437. An act to amend Private Act No. 5, Seventy-third Congress, entitled "An act to convey certain land in the county of Los Angeles, State of California";

H. R. 6987. An act authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River at or near a point where Louisiana Highway No. 7 meets Texas Highway No. 87;

H. R. 7081. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Brownville, Nebr.;

H. R. 7781. An act to define the election procedure under the act of June 18, 1934, and for other purposes;

H. J. Res. 26. Joint resolution requesting the President to proclaim October 9 as Leif Erickson Day;

H. J. Res. 27. Joint resolution providing for extension of cooperative work of the Geological Survey to Puerto Rico;

H. J. Res. 204. Joint resolution authorizing the erection of a memorial to the late Jean Jules Jusserand;

H. J. Res. 285. Joint resolution to permit the temporary entry into the United States under certain conditions of alien participants and officials of the National Boy Scout Jamboree to be held in the United States in 1935; and

H. J. Res. 320. Joint resolution to extend from June 16, 1935, to June 16, 1938, the period within which loans made prior to June 16, 1933, to executive officers of member banks of the Federal Reserve System may be renewed or extended;

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2591. An act for the relief of Lyman C. Drake.

MEMORIAL EXERCISES FOR THE LATE HENRY T. RAINEY

Mr. SABATH took the chair as Speaker pro tempore.

The SPEAKER pro tempore. Under the special order of the House, the Chair will recognize the gentleman from Illinois [Mr. LUCAS].

Mr. LUCAS. Mr. Speaker, when the Seventy-third Congress convened America was at the crossroads, facing the most momentous problems of state in all of her peace-time history. In this crisis the Members of that House selected HENRY T. RAINEY, of Illinois, as their Speaker. As the presiding officer in that era of conflicting economic theories, this veteran of many a legislative battle met every test of leadership with malice toward none and with charity for all. It was indeed a blow to the Nation when he was boldly challenged by the grim specter of death and soon thereafter was summoned to a conflict from which no mortal may triumph.

America has always paid homage and fealty to the memory of the dead. America believes in perpetuating the deeds of those who in life were good and great. Death has no right to wrap its cloak of oblivion around a leader, who, through many years of public life, commanded the utmost respect of this Republic. It is for the living to combat the eternal shroud of death by frequently speaking and properly recording words of praise and admiration for distinguished citizens who were ever faithful to public trust. It is for the living to keep alive the achievements of HENRY T. RAINEY so that the future may understand that—

> His life was gentle and the elements so mixed in him
> That Nature might stand up and say to all the world,
> "This was a man."

It was the gentle elements of his noble life which permitted him for a quarter of a century and more to live with fame in this old, stately Hall. It was those manly attributes, coupled with his long service and experience, which permitted him to scale the heights and reach the exalted position of Speaker.

It is that long period of devoted public service which directs my attention to the interesting past. Let us conjure upon the grave responsibilities and duties of American leadership from our inception as a nation in keeping the Ship of State from being surreptitiously dashed against the rocks in the many treacherous storms. Let us remember that this Hall of antiquity bears mute testimony to the inexorable tread of those statesmen, who, with fidelity and candor, eagerly embraced every opportunity to place a perpetual crown upon the great principles of self-government. This fleeting moment recalls the actors in patriotic drama who walked these aisles, sometimes calm, sometimes in storm, and sometimes in compromise, invoking the doctrines of political philosophy which either nurtured, tested, or sapped the lifeblood of the Nation. Upon this altar of representative government was delivered the golden key to political wisdom and mental toil, as Webster, Clay, Lincoln, Douglas, Calhoun, and hundreds of others of lesser importance, but equally loyal and earnest, poured forth their burning eloquence in their conception as to what should be done in order that the free institutions of America might endure forever. These dominant characteristics of American life were not conceived in the skyline of yesterday, but were born from the sea shells of oppression and tyranny in the long ago. The noble deeds and virtuous thoughts of those who championed constitutional liberty have molded the opinions and guided the way for the greatest race of people upon the face of the earth. God forbid that evolution or revolution shall ever destroy the basic and fundamental principles of the Constitution. And when American historians of liberty shall meet on the day of judgment, may they be able to say to one another, "Well done, thou good and faithful servants."

I proclaim it a mark of greatness for a mighty people to honor the mighty dead. It is the voice that is still which resounds through the ages. It is the voice of the patriots of yesterday who gave their best in peace and war which causes the American people to gird their loins and carry on for God and country. What a privilege for us, the living, to pause and pay a brief tribute of affection and remembrance to one who for 30 years as a Member of this House matched his intelligence and enthusiasm with the Nation's best in promoting principles of government which he honestly believed to be in keeping with the best interests of his America.

HENRY T. RAINEY, by inheritance and training, was bound to explore new and untrodden paths. Coming from a pioneer stock of courage and daring, he had an unquenchable thirst for the better things in life. As a student in the fields of literature and art at Knox College and Amherst, he became a master of the ancient and modern classics. He was next fascinated by the arts and science of law, and, after graduating from Union College in Chicago, he returned to the city of his birth and immediately embarked upon a legal career which ultimately carried him to the mountain's peak in public life. He knew the principles of equity; he knew the principles of law; he always wanted to know the facts; he sought the reason for everything, and in those early days of mental expansion he took little for granted. As master in chancery of Greene County, he showed a remarkable talent for plumbing the depths of all legal foundations before him. This studious attitude made him a power in the court room, but he was even more successful in the courts of review because of his clarity and style of expression as well as his familiarity with the stream of legal authorities which were applicable to the facts before him.

In November 1902 Mr. RAINEY was elected to the Fifty-eighth Congress. He served continuously until his death, except in the Sixty-seventh Congress, when he was defeated in the "Harding landslide" by a few hundred votes. Removal from private to public life did not alter his conception of duty well done, and, as a Member of this House under seven different Presidents, he leaves a record which has seldom been equaled or surpassed in the annals of legislative history.

Those accomplishments are well known throughout the Nation. His service on the Committee on Labor during his early years in Congress, and at the beginning of the mechanized era which brought with it the multifarious problems involving machines and human labor, gave him an opportunity to express and to put into effect many of his principles upon one of the most important questions of the day. He was a leader in all of the fights for the rights of laborers, and he worked with the pioneers in the movement to give to labor the position it justly deserves in this land of the free. And throughout all his years of public life he gladdened the

hearts of humanity by his firm and consistent defense of the man who toils.

Later his service on the powerful Ways and Means Committee gave him even greater opportunity to uphold the rights of the oppressed and to assail special interests, which he abhorred. He courageously challenged the right of the privileged few to reap unjust benefits or collect exorbitant profits at the expense of the masses. The positions which he took on the questions of tariff and taxation many years ago, when he was, as expressed in his own words, "as a voice crying in the wilderness", have since been upheld and many of his principles adopted as the fundamentals of sound economics. His education, his experience, his capacity for sound reasoning, and his magnificent ability to comprehend all angles of these technical and weighty problems rendered him peculiarly adapted for service on the leading committee of the House of Representatives. For more than 20 years he studied these far-reaching economic problems, always fighting for what his judgment and his conscience told him was right, though frequently alone and in the face of great odds. The fruits of his labors in these battles are a valuable contribution to his country.

HENRY T. RAINEY was an honest man, with the courage of his convictions upon all public questions. He had determination and character. He had no time for the political clown or the designing demagogue. He detested sham and hypocrisy in every form, and during his long tenure of office the breath of scandal never touched his garment, nor was the finger of suspicion ever leveled against him. He was always pleased to hear from his constituents, and every opinion advanced was given a respectful hearing. His friends were legion, and in the Twentieth Congressional District of Illinois, which he represented so faithfully, his name is intricately interwoven into the life fabric of every household. He was endowed with a native genius which gave him a sympathetic understanding of human beings. He was known as a commoner, and was ever solicitous and intensely interested in the welfare of others. In the later years of his life he resided on a farm on the outskirts of the city of Carrollton, and, obviously, the farmer's problems were the special object of his tender solicitude. His home was his castle, and his constituents and friends were always received and treated with the utmost consideration. He never failed in his long career to answer a letter of importance or an inquiry of interest properly addressed to him.

Such was the type of a man who died in the evening of life and at the zenith of his career. And when the hands of the Almighty touched his eyelids into eternal sleep we knew that a scholarly and kindly man had left us.

The Nation's sympathy was extended to his intellectual and lovable widow. She had traveled constantly by his side in the vehicle of his life's ambition, but death changed the course of their companionship. And today Mrs. Rainey lives alone in her beautiful home by the roadside, completely surrounded by unique and interesting memories of her late husband.

The funeral rites were marked with simplicity but gave voluminous testimony to the love Illinois and the Nation bore for this picturesque man. Twenty thousand strong the friends of this beloved citizen came, from the President of the United States down to the meek and humble. They came as a sincere mark of recognition to the memory of one who in life was good and great. They came to register a last and final, affectionate farewell.

Today the canopy of heaven spreads its benevolent base over the peaceful remains of this immortal man. But the undying spirit of his useful life has not been taken from us. That spirit is a living force of national power pleading in this great emergency that the citizens of this Republic cling tenaciously to the Ship of State. The undying spirit of RAINEY remembers with admonition the words of Longfellow:

> Sail on, O Ship of State!
> Sail on, O Union, strong and great!
> Humanity with all its fears,
> With all the hopes of future years,
> Is hanging breathless on thy fate!

Yes, sail on, sail on, O Ship of State. [Applause.]

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts [Mr. MARTIN].

Mr. MARTIN of Massachusetts. Mr. Speaker, we pause for a few minutes in a hectic and difficult legislative session that we may pay tribute to a beloved colleague, a great statesman, and, above all, a man in the fullest sense of the word.

To know the late HENRY T. RAINEY was to love him. Picturesque and impressive he was, with his flowing white hair and his kindly face, which fairly radiated the kindness he showered upon all.

It is not necessary for one to agree with the policies he fervently and honestly advocated to appreciate the great contribution he made to the historical pages of this House and of the American Republic. He entertained strong views on many economic questions and he was always a ready and warm advocate of his convictions. In sunshine and in storm, he steadfastly voiced his honest sentiments, and the CONGRESSIONAL RECORD of 30 years teems with his philosophy of government.

His rise to high position was not meteoric. It came only after years of conscientious and patient toil. He was always contented to do well and unostentatiously the day's work. Quietly and efficiently, he performed the many tasks which were assigned to him, winning as he went along the confidence of his associates. Finally, there came a day when his party was intrusted with the responsibility of the control of legislation. Leaders were needed, and instinctively his associates turned to the towering statesman from the great Prairie State of Illinois: First as floor leader and then promotion to the Speakership of the greatest legislative forum in all the world. It was a high honor and, at the same time, a grave responsibility, in one of the most trying periods in our history.

This historic forum in the 2 years he served as Speaker echoed and reechoed with many imperishable debates which made real history. Partisanship at times rose to high heights, and the exchanges were sharp and bitter. As one who is not of his party; as one who differed sharply with him on many occasions, I can safely say, and in doing so I am sure I voice the sentiments of all who were in the opposition, that he filled his great office with dignity and impartiality. He never forgot that in legislative bodies the minorities have certain rights which it is essential to protect, if we are to have a democratic form of government.

HENRY RAINEY was true to the noble traditions of his great office. He served loyally his party, and he gave justice and fair play to every single Member of the House regardless of his party affiliation. It was his devotion to his country and his absolute fairness which won for him the high esteem of all.

My own State of Massachusetts was ever proud of its contribution to the career of the Illinois statesman. It was at Amherst, that splendid little college at the foot of the Berkshire Hills, where he formed his philosophy of government. The atmosphere of this small town college gripped HENRY RAINEY, as it did many others who went out from Amherst to win the highest honors in the political, business, and civic life of our Nation. It is with pride Massachusetts recalls its part in the making of this great statesman.

It is not my purpose to proclaim in detail his fine record and his many notable achievements. They have all been recorded here—in this legislative body which he loved and cherished. That record will perpetuate his memory long after we, who honor him today, have departed to tread the unknown paths of life which are ahead.

Speaker RAINEY has gone from this world, but yet he still lives in the fond memories of his associates. A good life, like a good deed, never dies. It goes on to the end of time, influencing mankind to strive for the higher ideals of life and to bring to the world a nobler civilization.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois [Mr. ARNOLD].

Mr. ARNOLD. Mr. Speaker, I would be, indeed, remiss in the debt of gratitude I owe to the distinguished man we honor here today should I fail to express a few words on this occasion. It is quite fitting and proper that we turn aside

from the business of the hour and spend a short period in commemorating the life, character, and public services of this outstanding man of Illinois.

HENRY T. RAINEY was elected 15 times as a Member of this House. He would have rounded out 30 years of active, fruitful service in this body had his life been spared to the end of the Seventy-third Congress. During his long, active career he became a veteran in many a hard-fought battle in political campaigns and in this forum. His adversaries realized that in him they had a worthy foe, who knew no surrender of the principles he deemed right and just. He was elevated by his colleagues to the highest position of honor, trust, and confidence within their gift. Whatever his lot or station in life, he was found fighting the people's battles.

During his long, memorable career, by his fairness, by his aggressiveness, by his ability, he won and held the respect and esteem of friend and foe alike.

Mr. RAINEY was, indeed, a friend to me, as I believe he was to every man who served in these Halls with him. My contacts and association with him were intimate and most pleasant. I will ever cherish his memory for the many kindnesses and favors shown me.

Always willing and ready to aid and assist when within his power, he endeared himself to all with whom he came in contact. Quiet, soft-spoken, unassuming, suave, and courteous, he naturally appealed to his fellow men. I do not believe he ever knowingly deceived or betrayed any man. He was ever faithful to the high ideals and service to which he devoted himself from early life.

His great heart beat in sympathy with the mass of the American people. He was thoroughly imbued with the Jeffersonian principles of equal rights to all and special privileges to none. He would not swerve from those principles in calm or storm. His long service here was marked with a devotion to that principle and to a furtherance of all things that tend to make life more pleasant and happy for the rank and file of our people. Slow to ire, calm and deliberate in approaching all public questions, when once aroused he was like a lion in a fight; and he fought to the finish, showing no quarter to the interests he deemed subversive to the happiness and prosperity of mankind.

By instinct, by training, and by experience, with a great humanitarian heart, he measured his course by the yardstick of the general welfare of the people of America.

While at the height of his fame as Speaker of this body, the highest honor that can be conferred upon any Member by our colleagues, while his star was yet in the ascendancy he unexpectedly passed on to the Great Beyond. The final chapter has been written. The record of his life is now a closed book, but those who scan its pages in memory will be impressed by his ability, his honesty, and sincerity of purpose. Who is there who knew him well but can truthfully say the world was made better by his presence here?

He left a heritage of a life well spent, of deeds well done. His unexpected passing in these dark hours of our country's existence was a distinct loss to the country. His wise counsel and advice, his matchless and sincere leadership, his eloquence, are needed in these hours of turmoil and stress. He is gone but the memory of his life, character, and deeds well done live on. His character and public service is an inspiration to those who follow.

In after years, when the events of this period are recorded in the book of history and the roll of outstanding Americans is inscribed on its pages, the name of HENRY T. RAINEY, beloved son of Illinois, will be found written there, well up on the list of noble and distinguished patriotic American statesmen.

The SPEAKER pro tempore (Mr. LUCAS). The Chair recognizes the gentleman from Pennsylvania [Mr. SNYDER].

Mr. SNYDER. Mr. Speaker, on my first visit to Washington, after being elected to Congress, I found myself over here in the Speaker's office, opposite the table of HENRY T. RAINEY. After 10 minutes of conversation I left that office an inspired man. He never asked me to support him for Speaker. While there, he never referred to the Speakership. There was that something about HENRY T. RAINEY, that personality, which set him apart and made me feel when I had left that I had sat at the feet of not only a scholar but a statesman and a Christian gentleman. My contacts with him in the weeks and the year or two that followed justified my belief. The more I saw of HENRY T. RAINEY and his activities the more I was convinced that HENRY T. RAINEY truly was a great humanitarian. He was always dependable; he was always courageous in fighting for those things which stood for the common good of all humanity.

Late one afternoon as we were traveling by airplane toward my home in Pennsylvania we ran into a rather rigorous snowstorm in crossing the mountains. It grew fiercer and fiercer. The pilot climbed higher and higher until we reached an altitude of almost 8,000 feet to escape the storm. Suddenly, as if by magic, we came out into the sunlight in the late evening; and yonder in the West was the most beautiful sunset I had ever seen. Mr. RAINEY, sitting right across the aisle, leaned toward me and said, "That was very rough." I was going to say something in reply, but he took my attention from my own thoughts when he exclaimed, "Look at that beautiful sunset!" We drifted slowly, calmly, in silence. No one said anything as we floated into that airport, crawled into the automobile, and started toward my home. As we set out a great and beautiful star shown in the twilight. I said, "Mr. RAINEY, that sunset and this star remind me of Tennyson's Crossing the Bar. Like a flash, he repeated these lines of that immortal poem:

Sunset and evening star,
And one clear call for me!
And may there be no moaning of the bar,
When I put out to sea.

Twilight and evening bell.
And after that the dark!
And may there be no sadness of farewell,
When I embark.

But there was a sadness throughout this Nation when HENRY T. RAINEY embarked. Members of Congress and his friends were sad because of the loss of his fellowship, his guidance, and his inspiration. The masses throughout the Nation were sad because they had confidence in HENRY T. RAINEY as a leader. His beloved wife and his family were sad because that vacant chair could not be filled.

In closing, let me remind you that there is always a silver lining back of every cloud. All groups were glad in the thought that HENRY T. RAINEY had left his home, his community, his State, his Nation a better place in which to live because of his unselfish efforts in behalf of the fundamental principles of humanity. Those of us who were fortunate enough to know the real humanitarian, HENRY T. RAINEY, will always think of Sir Thomas Moore's beautiful lines when his name is mentioned or his deeds are recalled.

Long, long be my heart with such memories filled!
Like the vase in which roses have once been distilled;
You may break, you may ruin the vase if you will,
But the scent of the roses will hang round it still.

Mr. BYRNS. Mr. Speaker——

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee.

Mr. BYRNS. Mr. Speaker and fellow Members, I wish to say just a few words in simple heart-felt tribute to the memory of my good friend, HENRY RAINEY.

When on August 20 last year word was flashed over the Nation that HENRY RAINEY had passed away, there was no one who had ever served with him in Congress during the more than 30 years of his able and splendid service, there was no one who ever knew HENRY T. RAINEY who did not feel a deep sense of personal loss. Those of us who were Members of the Seventy-third Congress will remember that when less than 2 months preceding his death he closed this Congress, he seemed to be and was in the full vigor of health, and no one ever dreamed that in so short a time HENRY T. RAINEY would have passed to his reward.

He was a personal friend of mine. I loved him, as you all loved him. He was a Member of Congress when I first came here, and had served for several terms. Two years after I came here the House became Democratic, and HENRY RAINEY

was a member of the powerful and important Committee on Ways and Means. He had already attained a place of leadership in the House and had the confidence and respect of Members on both sides of the aisle.

If I may indulge in a personal reminiscence, may I say that I remained over after Congress adjourned on March 4, with the understanding that a new Congress would be convened in April, to interview the Democratic Members of the Ways and Means Committee and to seek their support for a committee assignment which I coveted. I had the outspoken support of nearly every Democratic member of the Committee on Ways and Means. I talked to Mr. RAINEY about the matter. He gave me no indication as to just how he felt about the matter, but on the day the committee met in executive session to frame the membership I happened to meet him after the adjournment of the committee, and he stopped me and was the first to congratulate me. He said, "Joe, I am happy to tell you that you have been made a member of the Appropriations Committee." I thanked him, and I said, "Would you mind telling me how the vote stood?" He said, "Certainly not. It was unanimous, and I was delighted to propose your name."

He and I were close friends from that time on. He honored me with his friendship, and I tried as best I could to deserve it. He was able; he was courageous in his views; he was a progressive in the truest and best sense of the word. He loved his country and he took the greatest pleasure in attempting to serve it according to his convictions and his ideas as to what was best for the country.

May I say that when he was candidate for Speaker, when the time came it was my pleasure to give him my vote and to nominate him in the Democratic caucus. I did so because I knew the man, because I admired his honesty, his courage, his love of the people, and his love of his country, to which he gave the greater portion of his life during the thirty-odd years he served here in the House of Representatives.

The philosophy of his life was to serve. He loved to serve the individual. He liked to be able to do something for somebody. It was hard for HENRY RAINEY to say "no" to anyone, although he had the courage whenever he felt it was necessary to say "no" to say it and mean it. After all the philosophy which carried HENRY RAINEY through his years of splendid service here is the philosophy, I am sure, that all of us without exception entertain. There is nothing like the service we come here to render. We labor day by day. We have our differences about legislation, but after all I love to think and to know that the Members of this House, not only in this Congress but in all previous Congresses in which I have served, have been actuated by a spirit to serve their country and devote themselves to the passage of those measures which in their judgment they feel to be for the best interest of this great country in which we live.

HENRY RAINEY has passed away. He has passed over to the reward which he so well deserved. But he has left behind him, with you and with me and with those whose privilege it was to know him, a record, an example of service, which it would be well for all of us to emulate.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, I had the great honor and privilege to have served longer with HENRY T. RAINEY, the late Speaker of the House, than any other Member of the House.

From my youth I admired HENRY T. RAINEY and those things for which he fought and stood. I came to the Sixtieth Congress, and at that time the Republican Party was in power and represented by some very great men on that side. Although I am obliged to make the statement today, notwithstanding the great reputation that these great men had and perhaps the "big four" enjoyed, I honestly believe that we have today in the House, and on the Republican side, just as great men and just as good Republicans as I found when I entered the House.

We in this country love to give credit to those who have departed and to those who have served before. I know in years to come it will be said of us, and this Congress, that it was composed of efficient, able, loyal, and patriotic men, all endeavoring to serve the Nation to the best of their ability.

The lot of the Democrats when I first came here some 28 years ago was not quite as pleasant as is the lot of the minority today. At that time the House was presided over by one of the greatest Republicans that ever presided over the House, the renowned, departed Uncle Joe Cannon, who had complete and full power to do as he pleased. He named the members of the committees, both on the Republican and Democratic sides. It was said of him that he was the czar of the House, and he was.

Within a few days after the start of my service I observed the man whom we are honoring here today resenting and smarting under that one-man control. Within a few days I observed him and Champ Clark, Shackleford of Missouri, and a few others start a fight for recognition of the minority, and it was due to his great effort that you gentlemen of the minority enjoy the great privileges that you enjoy today and which we as the minority of nearly 30 years ago were deprived of.

The House and the country have been benefited by the service which HENRY T. RAINEY rendered to the House and to the country.

I hope that gentlemen who have known him will emulate his work and follow in his footsteps. I would wish we had more HENRY RAINEYS, courageous, unafraid, determined to fight for the rights of mankind and to fight for the oppressed and the masses who always, and even at this time, need a man of RAINEY's character to battle for their interests and to secure for them the rights and privileges which are often denied them.

Mr. Speaker, indeed, perhaps more than anyone else, I deplore his going. I was extremely honored in having the privilege of aiding in his work here in the House and to some extent in aiding to bring about his election to the speakership.

If I never have an opportunity to serve my country in any other way in this House, I shall always believe I have rendered the Nation and the House a service in having aided, and cooperated with, this great statesman, this great patriot, this great American, HENRY T. RAINEY.

Mr. Speaker, if a stranger had been in the city of Carrollton, Ill., on the morning of Wednesday, August 22, 1934, he must have observed that something out of the ordinary was taking place.

Groups of men were standing about the streets conversing in low tones and in every countenance there was an expression of sadness. As the day advanced the size of the crowds increased. By midday thousands of persons had assembled.

Carrollton on that day was a grief-stricken city. The stranger might have sensed the reason in the presence of many American flags, each at half mast, and in a large sign, which read "Carrollton, home of Speaker HENRY T. RAINEY", heavily draped in black.

Carrollton had sent HENRY T. RAINEY, more than a quarter of a century previously, to the Halls of Congress because it had believed in him, and throughout all the long years since he had proven true to the trust that had been reposed in him; and now he had come back to them in death.

The thought that occurred to me when I visited the little city of Carrollton on the day of the funeral was that it would be a mistake to conclude that this great throng of people had gathered to pay homage to HENRY T. RAINEY simply because he had been a Member of Congress or even because here he had risen to the high office of Speaker.

It seemed to me that there was something deeper than his official position that had so genuinely touched the hearts of these people. It was, I thought, that they were mourning for the HENRY T. RAINEY who had been their lifetime friend and fellow townsman. For HENRY T. RAINEY had been very close to these folk. He had lived among them as a neighbor all his life. He was born in Carrollton, and in its public schools received his precollege education, and later, after he had graduated from college, it was here he had opened his law office and practiced before the bar.

And it was here he had brought his talented young bride, Miss Ella McBride, of Harvard, Nebr., following his marriage on June 27, 1888. So it was not strange that the throngs gathered in Carrollton on the day of the funeral of our beloved Speaker were mourning not only their Congressman but in the case of hundreds of them their boyhood companion, their lifetime friend, and their ever faithful, courteous, and sympathetic counselor in time of trouble, adversity, and sorrow.

The death of HENRY T. RAINEY was a loss not only to his own city of Carrollton, his congressional district, his State, and to this House, but to the entire Nation as well. Said President Roosevelt, referring to the death of Speaker RAINEY:

> It must always be an occasion of national regret when a public servant who has given the greater part of his life to unselfish service passes away. This is especially true in the loss of Speaker RAINEY at a time when the experience of many years has culminated in his unselfish leadership of the Nation's House of Representatives. I shall always think of him as a humanitarian whose fine patriotism thought first of all of what he conceived to be the well-being and the interests of the common man.

To myself personally the news of the Speaker's death came as a great shock and a great loss. I had known him intimately for nearly 40 years. I met him during the course of the great battle of democracy of 1896, and from that time on had worked shoulder to shoulder with him for progressive democracy in the State of Illinois.

When I was sworn in as a Member of the Sixtieth Congress, in 1907, I found that our late colleague, who had preceded me here by 4 years, had, although still a comparatively young man, already won recognition as a courageous and militant fighter for democracy.

I recall as if it had occurred but yesterday his fearless exposé of certain officials who were using the building of the Panama Canal for their own selfish benefit. As a result of his efforts conditions surrounding the building of the Canal were greatly improved. He started this reform movement in 1908 and kept hammering away until he finally succeeded in obtaining a congressional investigation. The entire Nation profited by his efforts, and RAINEY thus early had made a reputation for himself.

By 1920 RAINEY had obtained a very prominent position in the House as a member of the Ways and Means Committee, and then, through one of those unexplainable landslides that sometimes occur in politics, the country was deprived of his services. I considered RAINEY one of the best posted men in the House at that time on the subjects of tariff and revenue laws, and as I felt absolutely certain that he would be returned to Congress at the first election following his single defeat, I made an endeavor to have his rank on the Ways and Means Committee retained for him when he should come back to the House. Long-established precedents in matters of this kind prevented my success in this undertaking, but I cite the incident to indicate the confidence I had in RAINEY and the confidence I had in the good sense of his constituents. And subsequent developments showed that I was right.

Mr. RAINEY was reelected, and in due time became Chairman of the Ways and Means Committee.

With the election of Speaker Garner to the Vice-Presidency came RAINEY's chance for the Speakership. I felt that due to his long and splendid service and his position as majority leader he was entitled to the office. And naturally I was glad of the opportunity to be of some slight service to my longtime friend and coworker, and did what I could to help him obtain the highest office within the gift of this House, and one of the most honored and responsible parliamentarian positions on earth. And I feel confident that even my Republican colleagues will agree with me that while Speaker RAINEY was a stanch Democrat first, last, and always, he was conscientiously fair and impartial as a presiding officer. Sometimes he "leaned backward", seemingly, to see that no injustice was done our Republican brethren.

In legislative matters Speaker RAINEY was a stanch supporter of President Roosevelt. I know that at times he was not in full accord with legislation that was recommended. But his loyalty to the administration and his desire for harmony were so great he submerged his own views and thus made possible the speedy enactment of the most important and far-reaching legislation ever enacted in such a short space of time in the history of the Nation.

As a political leader, RAINEY was well-balanced, tolerant, patient, and careful. And as a party Democrat, always he kept the faith. During the darkest days of the depression he viewed the situation calmly. He always said that he relied upon the initiative and courage of the people to pull the country through.

He often spoke in homely figures of speech. Once, when he was majority leader, he gave his philosophy on taxes in these words:

> The ideal way to raise money is to get the most feathers with the least squawking of the goose.

Speaker RAINEY's heart beat in sympathy with the hopes and ambitions of the plain people from whose ranks he sprang. For more than a quarter of a century he stood like a sturdy oak on this floor espousing the cause of men, women, and children. I observed that whenever the line was drawn here as between the forces of special privilege, on the one hand, and the welfare of all the people, on the other, HENRY T. RAINEY, without hesitation and without apology, took his place on the side of that vast majority that Mr. Lincoln loved to call the plain people.

Of him it may well be said what the angel spoke to the wise man of the Far East:

> Abou Ben Adhem (may his tribe increase!)
> Awoke one night from a deep dream of peace,
> And saw, within the moonlight in his room,
> Making it rich, and like a lily in bloom,
> An angel writing in a book of gold:
> Exceeding peace had made Ben Adhem bold,
> And to the presence in the room he said,
> "What writest thou?" The vision raised its head,
> And with a look made of all sweet accord,
> Answered, "The names of those who love the Lord."
> "And is mine one?" said Abou. "Nay, not so",
> Replied the angel. Abou spake more low,
> But cheerily still, and said, "I pray thee, then,
> Write me as one that loves his fellowmen."
> The angel wrote and vanished. The next night
> It came again with a great awakening light,
> And showed the names whom love of God had blessed,
> And lo! Ben Adhem's name led all the rest.

As we all know, Speaker RAINEY personally was a most affable and kindly man, considerate and courteous to all. He was fiery only when challenged in debate on the floor. Once he had concluded his remarks, any bitterness of the moment was immediately forgotten, and he was once more the mild-mannered, kindly man we knew and loved so well. In the early part of my career, particularly, I was much in his company. It was our regular custom to go hiking together on Sundays. There were few woods or parks in or near Washington that we were not familiar with. It was his custom to have a pedometer attached to one of his ankles to keep accurate account of our mileage, which would average 8 or 10 miles. As RAINEY had been quite an athlete in his college days and was always in excellent physical condition, these 8- and 10-mile walks were a little hard on me, sometimes much to RAINEY's amusement.

When the end grew near for our great Speaker, he was calm, just as he had been throughout life. He was ready, for he had lived in accordance with the injunction conveyed in the immortal words of William Cullen Bryant in Thanatopsis:

> So live, that when thy summons comes to join
> The innumerable caravan, which moves
> To that mysterious realm, where each shall take
> His chamber in the silent halls of death,
> Thou go not, like the quarry-slave at night,
> Scourged to his dungeon, but, sustained and soothed
> By an unfaltering trust, approach thy grave,
> Like one who wraps the drapery of his couch
> About him, and lies down to pleasant dreams.

Because he served as Speaker in a time of one of the Nation's greatest crises, and kept his head, it is my belief that the name of HENRY T. RAINEY will go down in history as that of one of the great Speakers of the House. For as we look back at him in retrospect he looms in stature like some stal-

wart tower upon the sea. When he died, he left, to quote Markham's great line—

A vacant place against the sky.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas [Mr. LANHAM].

Mr. LANHAM. Mr. Speaker, this is an hour devoted to tender memories. It is one in which our hearts unite in one sentiment and one sympathy. It is devoid of partisanship and of sectionalism. It is inspired by our desire to express our affection and esteem for a most able and patriotic American with whom it was our pleasure to serve.

In my reflections I am not concerned today with the place of Mr. RAINEY's birth. The site of one's birth one does not control. It was his distinction to represent ably in these Halls a wonderful Commonwealth. This country of ours has need of all its sections. The body politic requires all its members, as does the body physical, and one outstanding feature of him whose memory we seek to honor today was that he was a broad-minded American who saw our country throughout its bounds and knew the needs of our people of every class.

Nor am I thinking just now specially of his preeminent record as a statesman. Robert Burns was right when he said:

The rank is but the guinea's stamp,
The man's the gowd for a' that.

As our colleague, we remember this genial gentleman today not specially because of his record, of the honors he won and the fame he achieved, but, rather, because he was one of those big men, easy to approach—a characteristic of great men—with whom we had real companionship.

Though he was a powerful factor in the forum, my thoughts go back to him in his office and in the cloak room. I see his picture indelibly outlined in my memory, with that beautiful shock of gray hair, with that loose-flowing tie, and with that smile that gave one a welcome into his heart. He was kind and gracious and companionable. Such things, after all, endear men to us.

I think that in these commonplace touches of life he exemplified that greatness to which men have so eloquently testified here today.

We accord to those with whom we live and labor and who have rendered conspicuous service for their country an earthly immortality. We do not forget them. They live in our thoughts, they influence our lives, and I like to think of that eminent statesman from Illinois in that way. Certainly I feel in my own heart that we have not separated permanently.

In the days long gone by it might have been difficult to have persuaded some pagan of the early centuries that the time would come when one in a room in a large city could speak and be heard across the ocean. But it would not have been difficult to persuade him that men live again. That belief has been a heritage of the ages.

Fortunately our beloved friend, HENRY T. RAINEY, was spared for a long and useful service. But, as in nature, material things are used when they have reached their maturity, so with reference to His crowning work the God of Nature must have a purpose also when man has attained his maturity.

And so I feel that with hope and with confidence, as we reflect upon the life of this wonderful man and statesman, each of us is saying in his heart:

Good-bye good friend,
In God's good time,
In God's good clime
We'll meet again.

And in that land
Where we shall know
No pain or woe
We'll understand.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio [Mr. TRUAX].

Mr. TRUAX. Mr. Speaker, at this time I shall read the telegram which I dispatched to Mrs. Rainey upon the receipt of the shocking news of the untimely passing away of this distinguished man and friend of ours. At this time I want to reiterate and reaffirm by the reading of this message the noble devotion and lifetime ideals that at all times governed the career of this illustrious friend of ours. This telegram is addressed to Mrs. Henry T. Rainey and reads as follows:

BUCYRUS, OHIO, *August 20, 1934.*

Mrs. HENRY T. RAINEY,
Carrollton, Ill.:

The English language seems inadequate to find words sufficiently expressive to convey to you my deep sorrow and grief. Totally unaware of his illness, the announcement in press dispatches today of the passing of your illustrious husband and my leader and friend was both shocking and stunning. The Nation loses one of the men who restored order from economic chaos, the common people a dauntless champion and protector. Always firm, yet kindly, while in the chair he was respected by all Members and loved and revered by those who knew him best. Commanding in appearance, distinguished in manner, matchless in character, unexampled in courage, unsurpassed in humility, unequaled in magnetic personality, and as true to his friends as the stars to their appointed courses, he was a knight of Nature's nobility. Unquenchable patriotism always transcending base, selfish, or ulterior motives, the sincerity and honesty of his leadership was never questioned. Known as a "commoner", his passing will be felt most keenly by those for whom he labored, namely, the masses of the people. The average individual is but an atom. He is born, he lives, he dies; but not so with HENRY T. RAINEY. His name and memory will live on perpetual record. He takes his place with those immortal humanitarians whose names, portraits, and statues grace the Nation's Capitol, adorn and embellish the tablets of American history, and whose utterances rush to American lips like songs learned at the mother's knee. His great heart beats on, his noble soul lingers with us, while his deep, resonant voice will ring like sacred music in the slumbering House galleries for the generations yet to come.

CHARLES V. TRUAX,
Congressman at Large.

[Applause.]

Mr. Speaker, the friends of HENRY T. RAINEY were legion. His acquaintances were not counted within the narrow confines of any congressional district. They could not be bordered by State lines. As the later years rounded out a full life most generously embellished with wisdom and statesmanship, his leadership and sterling worth were universally recognized throughout the world. It was my good fortune to meet Congressman RAINEY as a fighting, courageous Member of the House of Representatives many years ago. As has been mentioned by the distinguished gentleman from Illinois [Mr. SABATH], Mr. RAINEY served during those days when the Democrats were not in the majority. I well recall his recital of the years he was compelled to sit on the side lines in Congress and was permitted very generously to be seen but not to be heard.

Well do I remember those dark days for Democrats following the inauguration of Warren G. Harding, the twenty-ninth President of the United States. We needed a two-fisted, hard-hitting Democrat to address a Jackson Day banquet in Marion, Ohio. As State central committeeman for that congressional district, the eighth, it was my duty to secure that speaker. HENRY T. RAINEY received the invitation and accepted. Never indulging in bitter partisan attacks, he outlined the fundamentals of the Democratic Party as contrasted with those of the Republican Party in such a forceful manner as to win the admiration of all within the sound of his eloquent voice.

It was my distinction and privilege to have been selected by him prior to his election as Speaker of the House of the Seventy-third Congress as one to make a seconding speech in the party caucus. During his term as Speaker he was loved, honored, and respected by all.

Mr. RAINEY had the simplicity and love for his fellow men possessed by Jefferson, the rugged courage of Jackson, and the common honesty of Lincoln. He enjoyed a distinguished career. He was a lawyer, but during the recesses of Congress preferred to spend his time on his farm. To one born of the soil and who loves the soil, it was only necessary to visit that farm, as I did, to understand why. Not only the abundant acreage of the farm and the generously proportioned yard with the large, spreading shade trees but the old spacious colonial home were strong factors in understanding that preference. After visiting the farm, the barns, the dairy herd, and the fine old home, it was easy to discern why HENRY T. RAINEY was a commoner. Born and reared in this simple environment, living among the plain people of

his community, he loved them, and he in turn was loved by them.

It has been well said by the Speaker and others that service was the watchword of HENRY T. RAINEY—service to family and friends, service to his constituents, service to his State and his Nation. When the sincerity and honesty of purpose of some were doubted, he was unquestioned—he never faltered. He was ever genuine. He always rang true. Life seems to move by contrast if not by rhythm. The darkness is more opaque because of light; the rose all the sweeter because of the companionship of the lowly dandelion blooming at the side of the dusty, weed-fringed road; and so the nobility of purpose, the lofty devotion to principle, of HENRY T. RAINEY, his unswerving adherence to duty, are appreciated all the more when contrasted with the insincerity, inhumanity, and selfishness of some public servants.

He believed in, espoused, and championed the rights of the common people. He was a stanch defender of human rights as against property rights. He believed in the commonness of human origin, common rights, common duties, common responsibilities, and a common destiny.

Hazlitt says, "No really great man ever thought himself so." So it was with HENRY T. RAINEY. Modesty and humility were his invaluable assets. That brief sentiment of Longfellow when he said, "Great men stand like solitary towers in the city of God" is most fittingly exemplified and perpetuated when speaking of our illustrious and distinguished former colleague.

Mr. PARSONS. Mr. Speaker, I ask unanimous consent that all those who have spoken may have opportunity to revise and extend their remarks, and that any other Members who desire to do so may extend their remarks in the RECORD upon the life, character, and public service of the late Speaker, Mr. RAINEY.

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

There was no objection.

ADJOURNMENT

Mr. PARSONS. Mr. Speaker, as a further mark of respect to the late Speaker Henry T. Rainey, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 41 minutes p. m.) the House adjourned until tomorrow, Thursday, June 13, 1935, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

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

383. A communication from the President of the United States, transmitting a supplemental estimate of appropriations for the Railroad Retirement Board for the fiscal years 1935 and 1936, amounting to $35,000 (H. Doc. No. 228); to the Committee on Appropriations and ordered to be printed.

384. A letter from the Acting Secretary of War, transmitting draft of a proposed bill to authorize the Secretary of War to acquire by donation approximately 1,460 acres of land near Valparaiso, Fla.; to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. HARLAN: Committee on Rules. House Resolution 249. Resolution for the consideration of H. R. 7590; without amendment (Rept. No. 1165). Referred to the House Calendar.

Mr. ROBINSON of Utah: Committee on the Public Lands. S. 1307. An act to establish the Homestead National Monument of America in Gage County, Nebr.; without amendment (Rept. No. 1168). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROBINSON of Utah: Committee on the Public Lands. S. 578. An act authorizing the Secretary of the Interior to permit citizens of Bear Lake County, Idaho, to obtain timber from Lincoln County, Wyo., for domestic purposes; without amendment (Rept. No. 1169). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROBINSON of Utah: Committee on the Public Lands. H. R. 109. A bill to provide for the acquisition by the United States of Red Hill, the estate of Patrick Henry; with amendment (Rept. No. 1170). Referred to the Committee of the Whole House on the state of the Union.

Mr. PETERSON of Florida: Committee on the Public Lands. H. R. 2737. A bill extending and continuing to January 12, 1936, the provisions of the act entitled "An act authorizing the Secretary of the Interior to determine and confirm by patent in the nature of a deed of quitclaim the title to lots in the city of Pensacola, Fla.", approved January 12, 1925; with amendment (Rept. No. 1171). Referred to the Committee of the Whole House on the state of the Union.

Mr. PLUMLEY: Committee on Military Affairs. House Resolution 243. Resolution extending the felicitations and congratulations of the House of Representatives to Brig. Gen. Aaron Simon Daggett, United States Army, retired, upon the occasion of his ninety-eighth birthday on June 14, 1935; without amendment (Rept. No. 1172). Referred to the House Calendar.

Mr. CROSSER of Ohio: Committee on Interstate and Foreign Commerce. House Joint Resolution 319. Joint resolution extending the effective period of the Emergency Railroad Transportation Act, 1933; with amendment (Rept. No. 1173). Referred to the Committee of the Whole House on the state of the Union.

Mr. CHAPMAN: Committee on Interstate and Foreign Commerce. H. R. 7659. A bill to provide that tolls on certain bridges over navigable waters of the United States shall be just and reasonable, and for other purposes; without amendment (Rept. No. 1174). Referred to the Committee of the Whole House on the state of the Union.

Mr. TURNER: Committee on Military Affairs. H. R. 3420. A bill to amend the act entitled "An act to amend an act entitled 'An act to prohibit unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department, approved February 24, 1923', approved April 21, 1928", so as to include the Navy; without amendment (Rept. No. 1176). Referred to the House Calendar.

Mr. TURNER: Committee on Military Affairs. H. R. 3421. A bill to authorize credit in disbursing officers' accounts covering shipment of privately owned automobiles from October 12, 1927, to October 10, 1929; without amendment (Rept. No. 1177). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLER: Committee on the Library. H. J. Res. 120. Joint resolution to provide for the erection of a suitable memorial to the Fourth Division, American Expeditionary Forces; without amendment (Rept. No. 1178). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. BEITER: Committee on War Claims. S. 794. An act for the relief of the Bowers Southern Dredging Co.; without amendment (Rept. No. 1166). Referred to the Committee of the Whole House.

Mr. BEITER: Committee on War Claims. H. R. 704. A bill for the relief of Thelbert Davis; with amendment (Rept. No. 1167). Referred to the Committee of the Whole House.

Mr. ANDREWS of New York: Committee on Military Affairs. H. R. 2469. A bill for the relief of Michael P. Lucas; without amendment (Rept. No. 1175). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 8153) granting an increase of pension to Julia Peart, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. KING: A bill (H. R. 8452) to provide for the issuance of certificates of citizenship to citizens of the United States residing in the Territory of Hawaii; to the Committee on Immigration and Naturalization.

By Mr. SCHAEFER: A bill (H. R. 8453) to amend the World War Veterans' Act of 1924; to the Committee on World War Veterans' Legislation.

By Mr. SUTPHIN: A bill (H. R. 8454) to regulate computation of percentage of active pay to be paid as retired pay to officers of the Army; to the Committee on Military Affairs.

By Mr. WILSON of Louisiana: A bill (H. R. 8455) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes; to the Committee on Flood Control.

By Mr. BLAND: A bill (H. R. 8456) to provide for a change in the designation of the Bureau of Navigation and Steamboat Inspection; to create a marine casualty investigation board and increase efficiency in administration of the steamboat inspection laws; and for other purposes; to the Committee on Merchant Marine and Fisheries.

Also, a bill (H. R. 8457) to amend section 13 of the act of March 4, 1915, entitled "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion, and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea"; to maintain discipline on shipboard; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. RAMSPECK: A bill (H. R. 8458) to provide for vacations to Government employees, and for other purposes; to the Committee on the Civil Service.

Also, a bill (H. R. 8459) to standardize sick leave and extend it to all civilian employees; to the Committee on the Civil Service.

By Mr. WHITE: A bill (H. R. 8460) to add certain lands to the Weiser National Forest; to the Committee on the Public Lands.

By Mr. HILDEBRANDT: A bill (H. R. 8461) providing for the conservation of health among Indians (Sioux Sanitorium and employees' quarters, Pierre, S. Dak.); to the Committee on Appropriations.

By Mr. CANNON of Missouri: A bill (H. R. 8472) for the relief of stricken agricultural areas; to the Committee on Appropriations.

By Mr. CONNERY: Resolution (H. Res. 250) providing for the consideration of S. 1958, a bill 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 Rules.

By Mr. TOBEY: Joint resolution (H. J. Res. 321) granting the consent of Congress to the minimum-wage compact ratified by the Legislatures of Massachusetts and New Hampshire; to the Committee on the Judiciary.

By Mr. WHITE: Joint resolution (H. J. Res. 322) to provide for calling an international monetary conference to establish a stable medium of exchange in the several nations by the use of both gold and silver at stipulated ratio, standardizing the coinage and stabilizing international exchange to facilitate international trade; to the Committee on Foreign Affairs.

By Mr. WOOD: Joint resolution (H. J. Res. 323) proposing an amendment to the Constitution of the United States of America with respect to the powers of Congress, and for other purposes; to the Committee on the Judiciary.

By Mr. HAMLIN: Concurrent resolution (H. Con. Res. 27) to print and bind the proceedings in Congress and in Statuary Hall upon the acceptance in the Capitol of the statue of Hannibal Hamlin, presented by the State of Maine; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. EVANS: A bill (H. R. 8462) for the relief of Robert Bennett; to the Committee on Naval Affairs.

By Mr. GRAY of Pennsylvania: A bill (H. R. 8463) granting an increase of pension to Susanna Calhoun; to the Committee on Invalid Pensions.

By Mr. LEE of Oklahoma: A bill (H. R. 8464) for the relief of Thomas L. Essex; to the Committee on Military Affairs.

Also, a bill (H. R. 8465) for the relief of Zoe A. Tilghman; to the Committee on Claims.

Also, a bill (H. R. 8466) for the relief of S. A. Rourke; to the Committee on Claims.

By Mr. LEWIS of Maryland: A bill (H. R. 8467) granting a pension to Beulah E. Coleman; to the Committee on Pensions.

By Mr. REECE: A bill (H. R. 8468) granting a pension to Mary Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8469) granting a pension to Ophelia Laller; to the Committee on Invalid Pensions.

By Mr. SHORT: A bill (H. R. 8470) granting a pension to Alice L. Stemmons; to the Committee on Invalid Pensions.

By Mr. WELCH: A bill (H. R. 8471) granting an increase of pension to Miriam Glanville Skelly; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8804. By Mr. AMLIE: Petition of the industrial division of the Beloit Commercial Club, urging the defeat of the labor-disputes bill; to the Committee on Labor.

8805. By Mr. BOYLAN: Resolutions adopted by the Medical Society of the State of New York, regarding the Banking Act of 1935; to the Committee on Banking and Currency.

8806. By Mr. BUCKLER of Minnesota: Petition of Arthur N. Barnard, president, and K. G. A. Springer, secretary, of the Civic and Commerce Association of Fergus Falls, Otter Tail County, Minn., praying for opposition to the passage of House bill 5423 (the so-called "Wheeler-Rayburn public-utility bill"); to the Committee on Interstate and Foreign Commerce.

8807. Also, petition of Cyrus A. Field, chairman of the legislative committee of the Civic and Commerce Association of Fergus Falls, Otter Tail County, Minn., praying for the passage of an amendment to the Agricultural Adjustment Act of 1933 which provides that if and when the processing tax on cotton wholly terminates, all persons, including retailers, will be entitled to a refund in the amount of the processing tax previously paid on stocks held on the day of termination of the tax or act; to the Committee on Agriculture.

8808. By Mr. CONNERY: Resolution of the General Court of Massachusetts, memorializing the President and Congress of the United States in behalf of the watch industry and the persons employed therein; to the Committee on Ways and Means.

8809. Also, resolution of the General Court of Massachusetts, memorializing Congress relative to the use of granite in the construction of public buildings; to the Committee on Public Buildings and Grounds.

8810. By Mr. DORSEY: Petition of residents of Philadelphia, Pa., urging active support of House bill 2827, the workers' unemployment, old-age, and social-insurance bill; to the Committee on Labor.

8811. By Mr. KENNEY: Resolution of the town of Bloomfield, N. J., requesting that the proper Federal authorities be urged to retain the Newark Airport as its eastern air-mail terminal; to the Committee on the Post Office and Post Roads.

8812. By Mr. KRAMER: Resolution adopted by Native Sons of the Golden West, urging passage of House bill 2772,

making the 9th day of September of each year a legal holiday for Federal employees in the State of California; to the Committee on the Judiciary.

8813. By Mr. SADOWSKI: Petition of the general committee of immigrant aid at Ellis Island, endorsing the Kerr bill (H. R. 8163); to the Committee on Immigration and Naturalization.

8814. Also, petition of the Foreign Trade Club of Detroit, endorsing reciprocal trade program; to the Committee on Interstate and Foreign Commerce.

8815. By Mr. TINKHAM: Resolutions of the General Court of Massachusetts, memorializing the President and Congress of the United States in behalf of the watch industry and the persons employed therein; to the Committee on Ways and Means.

8816. Also, resolutions of the General Court of Massachusetts, memorializing Congress relative to the use of granite in the construction of public buildings; to the Committee on Public Buildings and Grounds.

8817. By Mr. WELCH: Joint Resolution No. 43 of the California Assembly, relative to memorializing Congress to furnish aid in the construction of check dams in the Salinas River Valley; to the Committee on Flood Control.

8818. By the SPEAKER: Petition of the Ladies Auxiliary Division 6, A. O. H., Utica, N. Y.; to the Committee on the Post Office and Post Roads.

HOUSE OF REPRESENTATIVES

THURSDAY, JUNE 13, 1935

The House met at 12 o'clock noon.

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

Blessed Lord, our Heavenly Father, they that wait upon Thee shall renew their strength. We tarry that we may prepare and adjust ourselves to the ever-changing day. Enable us always to cherish the place of prayer; to neglect it is to allow the higher powers of life to droop and languish. However weak the body, keep the mind strong; however severe the day, let the outlook be unclouded. We entreat Thee to free us from any paralysis of indifference which holds captive and deprives the larger life of the spirit. Guard us from that self-will and from that storm of passion which prevent our emancipation. Let the light of a gracious God break through upon our wandering vision that we may comprehend our city with its needs, and may it encircle our country. O let the glory rest upon them and unite us all in confidence, cooperation, and sacrifice. Through Christ. 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 agrees to the amendment of the House to the joint resolution (S. J. Res. 113) entitled "Joint resolution to extend until April 1, 1936, certain provisions of title I of the National Industrial Recovery Act, and for other purposes", with an amendment in which the concurrence of the House is requested; and agrees to the House amendment to the title.

FORWARD, MR. PRESIDENT

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

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

There was no objection.

Mr. HILDEBRANDT. Mr. Speaker, I read in the daily papers with great satisfaction that President Roosevelt is planning to send Congress a special message calling for "far-reaching increases in estate and gift taxes and imposition of Federal inheritance levies."

The article to which I refer said that this program would "tax estates, inheritances, and gifts in this Nation to a greater extent than in any nation in the world, it was believed."

I greet this announcement with much pleasure. I know that it will evoke warm approval from millions of others. America is at the crossroads—the dividing of the ways—and if Franklin D. Roosevelt will really take the initiative in leading us down the highway whose destination is a cooperative commonwealth, his name will be blazoned on the path of the ages for all time as one of humanity's saviors. This step is a tremendously important one. It means a break from the old policy of retention of an evil system and a turn toward better things. By all means let the step be taken. Let other steps be taken as well.

As I have repeatedly pointed out in my remarks in this session of Congress, there must be a fundamental, basic readjustment of our social system. Palliatives are not sufficient. There must be a complete and full cure of the economic disease. I have given my support to many temporary and incidental measures because they offered immediate relief for the suffering, although nobody understood better than I that they were only makeshifts that delayed the inevitable crash—for it is certain that a crash will come if we do not furnish a new social set-up whose objective is the welfare of everybody.

In my comments regarding our President I have uniformly attempted to make clear my personal admiration and respect for this lovable, human, kindly man—unquestionably the most progressive President America ever had. I have also sought to indicate my appreciation of his generous and earnest desire to help the suffering. At the same time, I have endeavored to show that I did not approve of a permanent policy of hand-outs and loans and doles. We cannot go on forever lending and borrowing money, and shifting funds back and forth. We must sooner or later evolve a type of society that can take care of itself—that pays its own way—that provides for the people who are engaged in productive work. Why not face this obligation now? "Eventually—why not now?" Why put it off? Somebody must take the leadership and direct the job? For my part, I would rather see Franklin D. Roosevelt assume that responsibility and receive the credit than someone who is a demagogue and whose motives are purely selfish. Yet the fact remains that we are certain of our destination and we shall undoubtedly reach it—whether led by one man or another.

Ella Wheeler Wilcox, years ago in a beautiful and inspiring poem, said:

> No question is ever settled
> Until it is settled right.
> Though proudly the victor comes
> With fluttering flags and prancing nags
> And echoing roll of drums,
> No question is ever settled
> Until it is settled right.

Ella Wheeler Wilcox's words were true. We who have observed the long and patient struggle for social justice and who have tried to aid in bringing about this ideal, believe—in spite of disappointments and discouragement and delays—that "no question is ever settled until it is settled right" and that economic liberation will finally come for our people.

TLINGIT AND HAIDA INDIANS OF ALASKA

Mr. DIMOND. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2756) authorizing the Tlingit and Haida Indians of Alaska to bring suit in the United States Court of Claims, and conferring jurisdiction upon said court to hear, examine, adjudicate, and enter judgment upon any and all claims which said Indians may have, or claim to have, against the United States, and for other purposes, with Senate amendments, and concur in the Senate amendments.

The Clerk read the title of the bill.