one of the most discouraging things that ever happened to me during my public life. When it seemed that there was danger of one of the most important things the Government was trying to do being a failure—it looked like a failure; it looked as though the business principles which ought to govern a corporation of this kind were going to be entirely disregarded, and we were going to make a political machine of this agency, which would have meant millions of dollars of financial loss to the taxpayers of the United States—when we were trying to get homes for individuals and fathers and mothers who were about to lose their homes, it was Mr. Fahey who came to the rescue, and made a business concern out of something which had to be made into a business concern or fail.

Before I should condemn Mr. Fahey, I should wish to give him an opportunity to be heard. I do not desire to take any chance of the Government's losing that kind of a valuable public official; and before I should think of such a thing as refusing to confirm his nomination, even if the objection came from me, I should still wish to give him an opportunity to be heard. We were about to condemn him, it seemed to me, without such a hearing. I think it would have been a terrible mistake, and would not only have been a serious impediment to the success of one of the greatest undertakings of the Government, but it seems to me it would have been a slam directly at the logic and the fair play of the Senate itself to have taken such action.

The VICE PRESIDENT. Mr. Fahey's nomination has been confirmed. The clerk will state the next nomination on the calendar.

ALICE L. WOOLMAN

The legislative clerk read the nomination of Alice L. Woolman to be postmaster at Coweta, Okla.

Mr. McKELLAR. At the request of the Senator from Oklahoma, I ask that that nomination go over.

The VICE PRESIDENT. The nomination will go over.

DEPARTMENT OF COMMERCE

The legislative clerk read the nomination of John Monroe Johnson, of South Carolina, to be Assistant Secretary of Commerce.

Mr. VANDENBERG. I ask that that nomination go over for the day, without prejudice.

The VICE PRESIDENT. Without objection, the nomination will go over without prejudice.

THE JUDICIARY

The legislative clerk read the nomination of John B. Tansil to be United States attorney, district of Montana.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. WHEELER. Mr. President, I ask unanimous consent that the President be notified of this confirmation tonight or tomorrow morning, because at the present time a term of court is being held in the city of Butte, and there is no United States attorney for that district, the former United States attorney having been promoted to the office of judge.

Mr. McNARY. Mr. President, in view of that statement, I shall not object.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the President will be notified.

The clerk will state the next nomination on the calendar.

The legislative clerk read the nomination of John E. Sloan to be United States marshal, western district of Pennsylvania.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask unanimous consent that the nominations of postmasters on the calendar be confirmed en bloc.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the nominations of postmasters are confirmed en bloc.

That completes the calendar.

RECESS

Mr. ROBINSON. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 32 minutes p. m.) the Senate, in legislative session, took a recess until tomorrow, Thursday, June 20, 1935, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate June 19 (legislative day of May 13), 1935

UNITED STATES MARSHAL

Edward D. Bolger, of Michigan, to be United States marshal, western district of Michigan, to succeed Martin Brown, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 19 (legislative day of May 13), 1935

FEDERAL HOME LOAN BANK BOARD

John H. Fahey to be a member of the Federal Home Loan Bank Board.

UNITED STATES ATTORNEY

John B. Tansil to be United States attorney, District of Montana.

UNITED STATES MARSHAL

John E. Sloan to be United States marshal, western district of Pennsylvania.

POSTMASTERS

GEORGIA

Joe F. White, Canon.

ILLINOIS

Marsel F. Snook, Cutler.
Rose E. Gorman, Farmersville.
Jessie M. Hickman, Good Hope.
Wayman R. Presley, Makanda.
Grace Hiller, Ogden.
Mansford W. Blackard, Omaha.
Otto F. Young, Stonington.
George H. Widmayer, Virginia.
Earl A. Hill, Woodlawn.

OREGON

Blanche M. Brown, Hubbard.
A. Phenton Groblebe, Mill City.

SOUTH DAKOTA

Otto V. Bruner, Geddes.
Iris I. Engler, Ipswich.

WISCONSIN

Roman W. Stoffel, Allenton.
Julia L. Quigley, Arena.
John L. Cunningham, Beaver Dam.
Elmer G. Zellmer, Fair Water.
Carl E. Seiler, Fish Creek.
August B. Zabolio, Genoa.
Casimir Jaron, Lublin.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JUNE 19, 1935

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

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

Infinite God and Father of mankind, we praise Thee as we recall Thy matchless words which poured like heavenly music from the guileless lips of the Teacher of Nazareth. Let His immortal truth remain with us. His strange majesty and dignity; His gentleness with the weary, the old, the suffering and sad; His tenderness toward little children; His patience with the dull and ignorant—blessed Lord fill our lives with these exquisite graces. Our Jehovah Father, may

the influence of His earthly sojourn and His undying ideals move unsympathetic and self-willed men everywhere. Do Thou touch their thoughts and themes, stirring them and putting to silence other voices. "Whosoever shall lose his life for my sake shall find it." In our Redeemer's name. Amen.

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

ANALYSIS OF GUFFEY-SNYDER BITUMINOUS COAL CONSERVATION BILL—H. R. 8479

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include my statement on the Guffey-Snyder bituminous-coal bill which is now being considered before the Ways and Means Committee.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SNYDER. Mr. Speaker, the bill is drawn under two titles, the first dealing with the regulation of the industry, and the second with the creation of a national coal reserve.

TITLE I

Under title I there is a congressional declaration that the production and distribution of bituminous coal are affected with a national public interest, that such production and distribution bear upon and directly affect interstate commerce, and, for reasons set out, require that the industry be regulated in the manner provided.

Section 2 establishes in the Department of the Interior a national bituminous-coal commission of 9 members, to be appointed by the President, 5 of whom shall be disinterested, and of the other 4, 2 shall be representatives of the producers and 2 representatives of the employees. The general powers of the commission are set out, and it is provided that on any court review its findings of fact, if supported by substantial evidence, shall be conclusive.

Section 3 proposes an excise tax of 25 percent on the selling price or in the case of "captive coal", on the market value of such coal f. o. b. at the mine, with a drawback of 99 percent of this tax to producers who accept and comply with the code set out in section 4. The tax would become effective upon proclamation by the President that the code has been formulated by the commission, as provided in section 4.

SECTION 4.—THE CODE

Section 4 outlines in detail the conditions and obligations of the code under which the producers shall operate to enjoy the benefits of the drawback on taxes. It is provided that the antitrust laws shall not apply to such code members complying with the act. The code is set out in the act to avoid any question of delegated legislative power and is divided into three parts.

PART I OF CODE—ORGANIZATION AND PRODUCTION

The first part deals with production. It provides for 22 district boards and the manner of their election, and the organization of marketing agencies. The schedule of districts is appended to the bill, and their territorial arrangement is subject to change by the commission. The schedule of districts appended to the bill follows closely the code authority divisions which have been operating under the bituminous-coal code of the N. R. A. The expense of administering the code is to be borne by the code members, subject to the jurisdiction of the respective district boards. Code members may establish cooperative marketing agencies.

PART II OF THE CODE—MARKETING

Minimum prices f. o. b. mine are to be established for all the mines in each of the respective districts. Subject to the approval of the commission, the minimum prices are to be established so that in the aggregate they shall equal as closely as possible the average total cost of all the coal produced in the respective price areas as set out at pages 11 and 12 of the bill. Coal may not be sold at less than minimum prices so established.

In order to promote the fair movement of coal in the competitive markets, it is provided that district boards, with the approval of the commission, or in the absence of action by the district boards, that the commission itself, may coordinate prices in the consuming markets served by competitive districts. This coordination of prices is to take into account the kinds, qualities, and sizes of coal and transportation charges upon coal. Such coordinated prices are to be made with due regard for the minimum and maximum f. o. b. mine prices.

Maximum prices are to be established by the commission whenever it deems such action necessary in the public interest. The maximum prices would be fixed at a uniform increase above the minimum prices in effect at the time, so that in the aggregate the maximum prices would yield a reasonable return above the weighted average of the total cost. The commission may require reports from producers, which shall be kept confidential.

The price provisions of the act shall not be evaded through the use of docks or storage facilities or the use of subsidiaries or affiliates.

All sales and contracts for sale, except for export as defined, are made subject of the operation of the code prices provided for. Provision is made for the recognition of contracts made prior to the effective date of the proposed statute under conditions set out in subsection (h), page 19, of the bill.

The commission is authorized to prescribe the wholesale discount allowable to persons who resell coal in bulk, and to require the maintenance by such persons of the minimum prices prescribed under the code.

STANDARDS OF FAIR COMPETITION

A schedule of practices to be regarded as unfair methods of competition and violations of the code appears at pages 20, 21, and 22 of the bill. These provisions follow substantially the similar provisions in the bituminous-coal code of fair competition under the N. I. R. A.

PART III OF THE CODE—LABOR RELATIONS

The rights of employees follow the general outline of section 7 (a) of the Recovery Act. A bituminous-coal labor board is created of 3 members to be appointed by the President, 1 to be impartial, and of the other 2, 1 is to be a representative of the employers and 1 to be a representative of the employees. The duties of the Labor Board are designated in detail. It is also provided that where producers of more than two-thirds of the annual tonnage of the Nation and representatives of more than one-half of all employees have agreed upon maximum hours of labor, these maximum hours shall be observed by all code members. Also, that when any collective wage agreement is made between the producers of more than two-thirds of the tonnage production in any district or group of districts, and more than one-half of the mine workers therein belonging to a recognized national association of mine workers, the wages agreed upon shall be accepted as the minimum wages for the various classifications of labor by the code members operating in such district or group of districts.

This concludes the outline of the code, all of which is contained in section 4 of the bill.

Section 5 provides for the revocation by the commission of the membership of any coal producer in the code and the termination of his right to the drawback, and provides further the conditions under which he can be restored to membership. The commission is also authorized to issue cease-and-desist orders against further violation of the code. Section 5 also provides for the right of civil suit by any code member who has been injured in his business by the act of any other code member in violation of the code. This provision is in form similar to that in the Sherman Antitrust Act.

Section 6 provides that the determinations of the district boards shall be reviewed by the commission upon the appeal of any producer. The commission is authorized to establish rules for the voluntary submission to arbitration of controversies arising under the act. Provision is made for appeal to the United States circuit court of appeals from an order of the commission or of the Labor Board. There is also a provision for application by the commission to

the Circuit Court of Appeals for the enforcement of its order.

Section 7 provides that all provisions of law with respect to the collection of internal-revenue taxes shall apply to taxes under the proposed act.

Section 8 authorizes the members of the commission and of the Labor Board to administer oaths to witnesses and to enforce their attendance by subpena.

Section 9 provides that if any producer decides to operate outside the provisions of the code he shall not only pay the full tax with no drawback thereon, but shall be subject to other provisions of the Federal laws regulating industries and the labor rights of employees.

Section 10 provides that the commission may require reports from producers, based upon a uniform system of accounting. Such reports shall be kept confidential and a violation of such requirement by any officer or employee of the commission or district board is made a Federal misdemeanor. Provision is also made for a fine of $50 per day for failure to file reports within 30 days after notice of default.

Section 11 provides that State laws regulating the mining of coal not inconsistent with the act shall not be affected by it.

Section 12 provides that the Interstate Commerce Commission shall issue no certificates of convenience or necessity authorizing extension of railroad facilities for the service of mines producing bituminous coal for commercial marketing except upon approval of the coal commission.

Section 13 provides that every corporation mining coal and shipping it in interstate commerce shall as a prerequisite to its right as a corporation so to do, file with the commission its acceptance of the provisions of title I.

Section 14 provides that bituminous coal shall not be purchased by the United States or any agency or contractor thereof, which has not been produced in compliance with the provisions of the code.

Section 15 contains a separability clause in the usual form.

At section 16, the bill provides that the commission shall study and report to Congress, prior to January 6, 1936, with respect to the necessity for the control of production of bituminous coal and methods of such control.

The bill further provides that the commission shall study and report upon other matters affecting the industry, including the conservation of coal, safe operation of mines, the rehabilitation of mine workers displaced from employment, and the problem of lowering distribution cost in the interest of consumers. This title I of the bill is to be in effect for a period of 4 years from the date of its enactment.

Under section 18, the coal commission is authorized to initiate and to intervene in proceedings in the Interstate Commerce Commission relating to transportation charges upon coal.

It is to be noted that acceptance and compliance with the code by the producers rests upon the application of the tax, but it is believed that this tax is sufficient to secure compliance of practically all producers. The drawback which code members will receive will leave a balance of about one-half cent per ton, which will go into the Treasury of the United States. As this will amount to about $1,750,000 per year, it will furnish more revenue than should be needed by the Government to administer the act.

TITLE II.—THE BITUMINOUS-COAL RESERVE

Section 1 contains the congressional declaration respecting the provisions of the title.

Section 2 provides that upon approval of the national bituminous-coal commission the Secretary of the Treasury is authorized to purchase coal mines and lands containing bituminous-coal deposits suitable for mining. Just compensation according to law is provided for the owners of lands acquired by condemnation.

Section 3 provides that owners may make voluntary offers subject to acceptance under conditions set out in the section.

Section 4 provides for rights of condemnation as incident to the establishment of this coal reserve.

Section 5 provides that no coal lands of this reserve shall be used for mining except upon the order of the national coal commission and except in time of war.

Section 6 places all public lands containing coal deposits in this coal reserve.

Section 7 provides for rights-of-way and easements across lands.

Section 8 appropriates $300,000,000 to be provided by an issue of $300,000,000 2½-percent 50-year tax-exempt Government bonds, to be expended as follows: Where lands are purchased the bonds are to be accepted at par and where lands are condemned the bonds are to be sold at the best market price obtainable to provide funds for such condemnation.

Section 9 levies a graduated tax per ton on the annual bituminous-coal output, beginning with 1936. Of the taxes collected in the years 1936 to 1939, inclusive, an amount equal to 25 percent of the bonds issued by the Government shall be paid into a fund for the rehabilitation of the mine workers displaced from employment by the operation of title II, and the balance shall be applied to the administration cost of title II of the act, the payment of interest upon such bonds, and the creation of a sinking fund to retire the principal thereof. The tax would be imposed until such time as the full amount of the necessary sinking fund had been provided.

Section 10 provides that all revenues derived from these coal lands shall be paid into the sinking fund for the service and redemption of the bonds.

Section 11 provides that upon the termination of the national bituminous-coal commission under title I, its functions under title II shall be exercised by a national bituminous-coal reserve board, to be appointed by the President.

LABOR-DISPUTES BILL

Mr. O'CONNOR. Mr. Speaker, I call up House Resolution 263.

The Clerk read the resolution, as follows:

House Resolution 263

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of 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, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and shall continue not to exceed 3 hours, to be equally divided and controlled by the Chairman and ranking minority member of the Committee on Labor, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion, except one motion to recommit, with or without instructions.

Mr. O'CONNOR. Mr. Speaker, I yield 30 minutes to the gentleman from Pennsylvania [Mr. RANSLEY].

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

The SPEAKER. Evidently there is no quorum present.

Mr. O'CONNOR. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

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

[Roll No. 97]

Andrews, N. Y.	Dirksen	Jenckes, Ind.	O'Neal
Bankhead	Doutrich	Keller	Palmisano
Bolton	Duffey, Ohio	Kennedy, Md.	Patman
Buckley, N. Y.	Duffy, N. Y.	Kerr	Peyser
Bulwinkle	Eckert	Kocialkowski	Ramsay
Cannon, Mo.	Evans	Kopplemann	Reece
Cannon, Wis.	Farley	Lamneck	Reilly
Casey	Fish	Larrabee	Rayburn
Celler	Frey	Lemke	Robsion, Ky.
Chapman	Gasque	Lesinski	Russell
Claiborne	Gassaway	Lloyd	Ryan
Clark, Idaho	Goodwin	Lord	Sadowski
Clark, N. C.	Gregory	McClellan	Sanders, La.
Cochran	Hart	McLean	Sandlin
Cox	Higgins, Mass.	Marshall	Schuetz
Crowe	Hildebrandt	Montet	Schulte
Dear	Hobbs	Norton	Scrugham
DeRouen	Hoffman	O'Day	Shannon
Dickstein	Hook	Oliver	Short

Sisson	Sweeney	Underwood	Wilson, La.
Steagall	Taylor, Tenn.	Werner	Wood
Sumners, Tex.	Tolan		

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

Mr. TAYLOR of Colorado. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

SECOND DEFICIENCY APPROPRIATION BILL

Mr. BUCHANAN, from the Committee on Appropriations, reported the bill (H. R. 8554, Rept. 1261) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1935, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1935, and June 30, 1936, and for other purposes, which was read a first and second time and, with the accompanying report, referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. BUCHANAN. Mr. Speaker, I ask unanimous consent that all points of order on the bill be considered as waived.

The SPEAKER pro tempore (Mr. MARTIN of Colorado). The gentleman from Texas asks unanimous consent that all points of order against the bill be considered as waived. Is there objection?

Mr. TABER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. TABER. Mr. Speaker, I reserve all points of order on the bill.

EXTENSION OF REMARKS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD at this point to show the allocation of the $20,000,000 contained in the deficiency appropriation bill for veterans' hospital extensions, and to include in it a letter from General Hines, of the Veterans' Administration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, sometime ago I called a meeting of the Committee on World War Veterans' Legislation for the purpose of holding hearings on the question of hospitalization, and I invited Gen. Frank T. Hines, of the Veterans' Administration, to appear and testify.

We found that many extensions, improvements, and replacements were necessary in order to take care of the present load—especially the N. P. load.

It was agreed that the Federal Board of Hospitalization should take the proposition up and report back to the committee. That has been done, so far as extensions and replacements are concerned. It was found that it would take about $20,000,000 to complete that program.

The Chairman of the Committee on Appropriations conferred with me and agreed to include this amount in the bill which he has just reported.

This does not include any new hospitals; that question is still being considered by the Federal Board of Hospitalization.

At this point I desire to insert a letter which I received from General Hines on June 12, 1935, to which is attached a list of the proposed constructions and replacements of hospital and domiciliary beds.

VETERANS' ADMINISTRATION,
Washington, June 12, 1935.

Hon. JOHN E. RANKIN,
Chairman World War Veterans Committee,
House of Representatives, Washington, D. C.

MY DEAR MR. RANKIN: Confirming our conversation of this morning, on Monday, June 10, I presented to the Appropriations Committee of the House a construction program covering the anticipated needs of the Veterans' Administration for the next 5 years. For your information, I am enclosing a list showing the number, type, and cost of beds which it is proposed to provide at each of our facilities which will be affected. This program does not contemplate the establishment of new facilities, which matter the Federal Board of Hospitalization has now under consideration. In case of favorable consideration of any of the pending questions in this connection by the Federal Board of Hospitalization and the President, the appropriation of additional funds from the $4,000,000 unexpended balance under act approved March 4, 1931, will be requested.

While this program previously has been submitted to the National Emergency Council, I am requesting that organization to delete from our applications the items covered by the attached list. This is being done for the reason that in accordance with established procedure I believe that all matters involving additional beds should be passed upon individually by the Federal Board of Hospitalization and the President, which procedure will, of course, be followed in case funds for the program under discussion are appropriated. Applications covering various items of repair, remodeling, and improvement, and the rounding out of existing facilities are still pending before the National Emergency Council, and additional applications of the same nature made up largely of work which appropriately may be accomplished by the direct employment of labor and purchase of materials are in process of being submitted.

It will be noted that the greater part of the additional beds covered on the attached list are for the treatment of beneficiaries suffering from neuropsychiatric disability. As indicated by the summary, 6,835 neuropsychiatric beds, including the replacement of 134 now housed in unsatisfactory facilities, are recommended. Recommendations also cover 455 tuberculosis beds, which include the replacement of 300 beds now in unsatisfactory facilities. Of the 2,276 general medical and surgical beds recommended, 800 are replacements; and of the 2,250 domiciliary beds recommended, 1,400 are replacements.

The number of neuropsychiatric beds recommended is based on a recent survey by each regional office in the country of the number of such beneficiaries at home awaiting admission to Government psychotic hospitals, and the number of veterans with mental diseases in State, civil, municipal, or private hospitals. The additional beds recommended are being distributed at existing facilities to correspond very closely with the indicated needs of the areas served. Five hundred and fourteen N. R. beds recommended are for colored patients; 330 additional G. M. beds for colored are also recommended.

The replacement of 300 tuberculosis beds at Whipple Barracks, Ariz., is necessary for the reason that this facility is housed in part in buildings of permanent construction which form a part of the old Army post and in part in temporary buildings of war-time construction. Clinical and surgical facilities are very poorly arranged and scattered throughout several buildings, and in certain cases are located in buildings which are not of substantial construction. The ear, eye, nose, and throat clinic, the dental clinic, dispensary, and pathological laboratory are in one building of war-time construction. The X-ray and physiotherapy equipment are housed in the old Army post exchange and gymnasium, and the surgery in another building nearly a quarter of a mile away. The surgery is obsolete and entirely inadequate to serve the needs of the facility.

The replacement of domiciliary beds at Los Angeles is necessary in order to remove beneficiaries from old frame barracks buildings which are of light construction, unsafe structurally, and which constitute an exceedingly serious fire hazard. These buildings have been badly damaged by termites and their replacement with fireproof modern construction is exceedingly necessary. The domiciliary beds recommended for female beneficiaries are in order to take care of the existing load in the area which is not now provided for.

The additional beds recommended at Livermore, Calif., are to provide a reasonable number of single rooms for acutely ill and terminal cases, this hospital being deficient in this respect.

The administration building recommended at Newington, Conn., is in order to permit of the removal of regional office facilities from inadequate and very badly ventilated space in the basement of the main building, and to provide a small number of additional beds.

The additional domiciliary beds recommended for the Bay Pines, Fla., facility are to provide for the requirements at this station. It will be noted that there are included domiciliary facilities for female beneficiaries who at present are not provided for in this area. The additional general beds recommended are to maintain a proper relationship and to supplement other general medical and surgical facilities in the area which at present are inadequate. The additional beds recommended for Lake City, Fla., are in order to provide very necessary improvements in connection with the existing clinical reception and post-surgical services. The present facilities in this respect are unsatisfactory and inadequate.

There is in process of establishment at Atlanta, Ga., special facilities for the treatment of malignant conditions which are occurring with greater frequency throughout the service. In order to provide for the completion of this special clinic, additional construction to house the number of beds indicated will be required.

The 100 additional general medical beds for colored which have been recommended for Alexandria, La., are badly needed to take care of existing needs in the area served.

The replacement of 350 domiciliary beds at Togus, Maine, is recommended in order that beneficiaries may be taken out of existing frame barracks which are about 40 years old, beyond the stage of reasonable maintenance costs, and so arranged as to constitute an exceedingly serious fire hazard.

The added domiciliary beds at Biloxi, Miss., are recommended to provide for the needs of the area. This enlargement will provide for more economical operation as compared with the present small capacity of this facility.

The administration building recommended at Batavia, N. Y., is in order to permit of the removal of regional office facilities from inadequate and very badly ventilated space in the basement of the main building, and to provide a small number of additional beds.

The construction recommended at Jefferson Barracks, Mo., will provide for the removal of the main kitchen and dining room and the recreation hall from the main building where they are located at present. The existing situation in this respect is decidedly undesirable, and the establishment of the activities mentioned in separate buildings will provide for much more satisfactory operation than is possible at present, and will also provide for approximately 50 additional beds at this station, which is at present filled to beyond its rated capacity.

The domiciliary beds recommended for the Dayton facility are to replace several existing barracks which are in a very bad state of preservation. One of them has been condemned as being structurally unsafe, and the others are so deteriorated as to result in unreasonable maintenance and operation costs. They are not of fire-resistant construction, and their condition is such that they may not economically be remodeled. Domiciliary beds recommended for female beneficiaries are to provide for the needs in the area, and in line with the policy of establishing such facilities at several focal points throughout the country. The general medical and surgical beds recommended are to provide for the subdivision of the large wards in the present hospital building so as to provide for more satisfactory operation and a reasonable degree of privacy to the patients.

The additional beds both for white and colored beneficiaries which have been recommended for Columbia, S. C., are to take care of the needs of the area served.

The 100 general medical and surgical beds recommended for Hot Springs, S. Dak., are needed in order to provide for the establishment of a satisfactory surgical service at this facility. At present the surgical service is located on the main floor of the administration building where it is at a distance from the bulk of hospital beds, and due to its age it is not feasible to replace it in its present location.

A new hospital building of fireproof construction is urgently needed at Hampton, Va., to replace the present nonfireproof structure which was built more than 30 years ago, and which on account of its condition and arrangement cannot be successfully rehabilitated and modernized.

At Milwaukee, Wis., a new fireproof hospital building is needed for the replacement of a building which was constructed in 1879, and which is in such poor physical condition and so poorly arranged that it cannot be successfully modernized nor rendered reasonably fire resistant.

The additional beds recommended for Cheyenne, Wyo., will permit of the development of that facility to economical operating capacity. These beds are needed in order that beneficiaries who are now cared for in nonfireproof contract facilities may be housed in modern fireproof structures.

Very truly yours,

FRANK T. HINES, *Administrator.*

Proposed construction and replacement of hospital and domiciliary beds

	Neuropsychiatric	Tubercular	General medical	Domiciliary	Amount
Tuskegee	[1] 350				$300,000
Whipple		[2] 300			676,000
Los Angeles	150			[2] 400	835,000
Livermore		30			75,000
Fort Lyon	296				345,000
Newington (administration building)			35		80,000
Bay Pines (including administration building)			290	[4] 400	1,185,000
Lake City (improvements)			80		150,000
Atlanta			80		150,000
Marion	[2] 134				400,000
Knoxville	[3] 300				725,000
Lexington	306				600,000
Alexandria			[1] 100		100,000
Togus				[2] 350	350,000
Perry Point	164				300,000
Bedford	328				600,000
Northampton	200				250,000
Camp Custer	164				300,000
St. Cloud	328				600,000
Biloxi				350	400,000
Gulfport	164				300,000
Lyons	628				1,200,000
Batavia (administration building)			35		80,000
Canandaigua	639				1,200,000
Northport	800				1,500,000
Jefferson Barracks (kitchen, mess hall, and receiving building)			50		195,000
Chillicothe	328				600,000
Dayton (including kitchen and mess)			176	[6] 750	1,210,000
Roseburg	350				100,000
Coatesville	314				600,000
Columbia			[7] 405		430,000
Hot Springs			100		170,000
Waco	164				300,000
Hampton			[2] 500		750,000
Roanoke	[3] 492				$900,000
Milwaukee			[2] 300		350,000
Wisconsin	236				944,000
Cheyenne		125	125		750,000
Total	6,835	455	2,276	2,250	20,000,000

[1] Colored.
[2] Replacement.
[3] 350 replacements, 50 females.
[4] 350 males, 50 females.
[5] Including new boiler plant.
[6] 700 replacements, 50 females.
[7] 230 colored, 175 white.
[8] 328 white, 164 colored.

[See footnotes at end of table]

Proposed construction and replacement of hospital and domiciliary beds—Continued

Neuropsychiatric beds, including 134 replacements	6,835
Tubercular beds, including 300 replacements	455
General medical beds, including 800 replacements	2,276
Domiciliary beds, including 1,400 replacements	2,250
Total	11,816
Deduct 350 domiciliary at Roseburg converted to neuropsychiatric	350
Total	11,466

$\frac{\$20,000,000}{11,466}$ = $1,744 average cost per bed.

EDWARD T. TAYLOR

Mr. SNELL. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

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

There was no objection.

Mr. SNELL. Mr. Speaker, today marks the seventy-seventh anniversary of the birth of the honorable and distinguished acting majority leader of the House, EDWARD THOMAS TAYLOR, of the State of Colorado. [Applause.] Our eminent colleague and friend entered upon his service here at the mature age of 51, and today, while serving with distinction his fourteenth consecutive term, his eye is not dim nor his natural force abated. He has achieved a distinction, never the lot of any other man in the history of the Congress of the United States. His service here is unique. Other men who have served in the House—not many—have had a greater span of life than the gentleman from Colorado has now reached; still other men—exactly 14—among 10,000, were elected successively for 14 or more terms without a break in the continuity of their service, but no man other than EDWARD THOMAS TAYLOR was ever elected for 14 consecutive terms after he had passed the half century mark of his natural life. When his service began on March 4, 1909, he lacked only 3 months and 15 days before reaching his fifty-first milestone. This is a record, nobly achieved and richly deserved; and I predict it will remain unsurpassed in the annals of Congress. Those other 14 Representatives accredited with 14 or more unbroken terms constitute a roll of honor, 4 of whom, including the present able and distinguished occupant of the chair, were Speakers of the House, and some of them in their day and generation were reverently accorded the title of "Father of the House."

I deem it pertinent and a matter of interest to the House and to the country on this, the anniversary of the natal day of our friend from Colorado, briefly to record the names of the men on this roll of honor, their service longevity, and respective ages upon their entrance into Congress, namely:

Henry Harrison Bingham, of Pennsylvania, 17 successive terms; entered Congress at the age of 38 years;

Thomas Stalker Butler, of Pennsylvania, 16 successive terms; entered Congress at the age of 42 years;

Joseph Wellington Byrns, of Tennessee—our present Speaker—14 successive terms; entered Congress at the age of 40 years;

John Nance Garner, of Texas—a former Speaker and now Vice President—15 successive terms; entered Congress at the age of 35 years;

Frederick Huntington Gillett, of Massachusetts—a former Speaker—16 successive terms; entered Congress at the age of 42 years;

Gilbert N. Haugen, of Iowa, 17 successive terms; entered Congress at the age of 40 years;

William Atkinson Jones, of Virginia, 14 successive terms; entered Congress at the age of 42 years;

William Darrah Kelley, of Pennsylvania, 15 successive terms; entered Congress at the age of 47 years;

James Robert Mann, of Illinois, 14 successive terms; entered Congress at the age of 41 years;

Thomas Newton, Jr., of Virginia, 14 successive terms; entered Congress at the age of 33 years;

Edward William Pou, of North Carolina, 17 successive terms; entered Congress at the age of 48 years;

Samuel Jackson Randall, of Pennsylvania—a former Speaker—14 successive terms; entered Congress at the age of 35 years;

Adolph Joseph Sabath, of Illinois, 15 successive years—still with us and vigorous—entered Congress at the age of 41 years;

Lewis Williams, of North Carolina, 14 successive terms—upon whom the title of "Father of the House" was first bestowed—entered Congress at the age of 29 years; and

Edward Thomas Taylor, of Colorado, our distinguished acting majority leader, 77 years young today, 14 successive terms; entered Congress at the age of 51 years, and still going strong.

On this roll of honor are those only who were elected for 14 or more continuous terms. I should like to include the name of the late Honorable Joseph Gurney Cannon, affectionately known as "Uncle Joe", but unfortunately his service was not continuous, having been twice interrupted, once after 9 successive terms and again after 10 successive terms. However, his aggregate service covered a period of 46 years, longer than any other man's, living or dead, and for four terms he was Speaker of the House.

Mr. Speaker, our young friend from the top of the world also holds several other enviable records. He represents the most altitudinous congressional district in the United States. There are as many mountain peaks in his district as there were years of his life when he first came here. Is it any wonder then that he has climbed to heights of eminence as a Member of Congress?

Moreover, to EDWARD THOMAS TAYLOR belongs the distinction of holding the record in the House of Representatives for length of continuous service among Democratic Members from the section west of the Missouri River comprising 15 States. No other Democrat equals this record, and only one, the late Senator Francis P. Newlands, of Nevada, exceeds it for service in both the House and Senate.

The record of the gentleman from Colorado is distinguished for another thing: Fourteen times he has been elected in a district traditionally Republican in its politics. I only hope that his people have not formed an incurable habit, and if his constituents are determined to elect a Democrat to Congress, I sincerely hope they will continue to elect EDWARD TAYLOR or one of his type if another can be found in the Rocky Mountains, which I very much doubt.

Mr. Speaker, I felicitate our friend the illustrious gentleman from Colorado on this important day in his life, and I think I voice the warm admiration and affection all Members of the House, without respect to party, have for him as a man of splendid character; for his ability which he has signally demonstrated in the discharge of the arduous and delicate duties of acting majority leader, for his fairness, and for his unfailing courtesy, and to wish for him greater length of days, happiness, peace, and contentment.

Someone has said that life begins at 40. Taking our distinguished friend as a criterion, I would say life begins at 50. [Applause.]

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent that I may address the House for 5 minutes.

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

There was no objection.

Mr. DOUGHTON. Mr. Speaker, I join in what I know is the unanimous feeling and sentiment of each and every Member of this House in congratulating and felicitating our colleague the distinguished Representative from the State of Colorado, Hon. EDWARD T. TAYLOR, on this momentous occasion. As has been stated by our loved and distinguished minority leader [Mr. SNELL], Mr. TAYLOR today passes his seventy-seventh milestone in his earthly pilgrimage. I am sure that he possesses to the fullest degree the warm and unshaken friendship, as well as the complete confidence of every Member of this House.

When I was elected a Member of the Sixty-second Congress and took my seat in this great body in April 1911 Mr. Taft was President of the United States. We were called together in extraordinary session on account of the negotiation of the reciprocity treaty with the Canadian Government. I early formed an acquaintance, which grew into an abiding and continuous friendship with the gentleman from Colorado, and as the years have come and gone that friendship has grown to one of affection and I might say of love. There are in this House today but four men who have had consecutive service since that time, beginning with the Sixty-second Congress; our honored and beloved Speaker, the gentleman from Tennessee [Mr. BYRNS], the gentleman from Illinois [Mr. SABATH], the gentleman from Colorado [Mr. TAYLOR], and myself.

The gentleman from Indiana [Mr. GRAY], the gentleman from Maryland [Mr. LEWIS], the gentleman from Ohio [Mr. ASHBROOK], and the gentleman from Colorado [Mr. MARTIN] also were Members of that Congress, but their service has not been consecutive.

Mr. TAYLOR has served faithfully and well not only his constituents who honored him by keeping him here continuously so long, but he has served the Nation equally well. He has established and maintained the highest standard of human excellence of service in this body. No one has been more courageous, no one has been more assiduous in his duties, no man has attained a higher standard of fidelity than the gentleman from Colorado. He has served his constituents in a district, as has been mentioned by the gentleman from New York, which is normally Republican. That he has had their confidence and their support during all these years demonstrates that service in this body to be of a high and patriotic order, where a man first gives adherence to his country rather than his party, does not go without reward.

I feel today, Mr. Speaker, that those of us who have been here so long are most fortunate in having had the opportunity of serving with ED TAYLOR. I have never known a more kindly man, a more considerate man, a man more diligent and more faithful in the discharge of every duty incident to his public service; and my sincere hope is that our good friend and colleague, ED TAYLOR, may celebrate his one hundredth anniversary as a Member of this House [applause]; that on that occasion our distinguished and loved Speaker may still be Speaker [applause]; and that on that same occasion our likeable and distinguished minority leader, than whom there is no finer gentleman, may still be minority leader. [Applause.]

Mr. BLOOM. With continuous service.

Mr. DOUGHTON. Yes; and that his service may have been continuous and unbroken.

Mr. Speaker, I thank the Membership of this House for affording me this opportunity to join in the sentiment I know is felt by every Member of this House in extending congratulations and felicitations to our beloved colleague, ED TAYLOR. [Applause.]

Mr. BYRNS. Mr. Speaker, I ask unanimous consent to proceed for 3 minutes. [Applause.]

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

There was no objection.

Mr. BYRNS. Mr. Speaker, I wish to heartily join in the tributes which have been paid by the distinguished minority leader and the Chairman of the Committee on Ways and Means to the services of our friend and colleague, ED TAYLOR, from the State of Colorado. I do so, Mr. Speaker, with a peculiar and particular pleasure. I came into the Congress on March 4, 1909, and amongst the new Members who were

sworn in on that day were our friend, ED TAYLOR, and our friend, JOHN MARTIN, from the State of Colorado, who is now presiding over the House. [Applause.] I have, therefore, known Mr. TAYLOR longer than I have known any other Member of the House, with two or three exceptions.

I need not say that our relations have always been of the most friendly, kindly, and intimate nature. I have learned to love him during all these years as you who have served with him likewise have learned to love him, not only for his kindly nature, his generous soul, and his sympathetic heart, but also because we recognize in him a Member who has given the best that is in him to his district, to his State, and to his Nation. As a matter of fact, the only real, genuine, and satisfying compensation that comes to a Member from his service here is the knowledge that he has endeavored to render service to his country. I speak of this as compensation because it is the only real satisfaction that Members of Congress who have been honored by their constituents as their representatives to serve them in legislation and in other matters in Washington realize in their service here. Measured by this standard, measured by the standard of service to his district, service to his State, and service to his country, ED TAYLOR has been as richly compensated during the years he has been here as any Member who has ever served. [Applause.]

I join with those who have preceded me and with those who may follow me in paying tribute to him not only by way of expression of our affection and esteem, but also as a recognition of that service he has given so freely, so earnestly, and so ably to his Nation. I hope that he may live long to continue to represent the people of his district whom he has served so intelligently and with such great fidelity. [Applause.]

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois, the distinguished dean of the House [Mr. SABATH]. [Applause.]

Mr. SABATH. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

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

There was no objection.

Mr. SABATH. Mr. Speaker, I unreservedly subscribe to everything that has been said of the distinguished gentleman from Colorado, who celebrates today his seventy-seventh birthday. I regret that I cannot add a great deal to what has been so appropriately and justifiably said, not, however, because there is not much more to add in recognition of the important public service of this splendid gentleman but because time does not permit.

I had the honor, the pleasure, and the distinction of being a Member of this House when the two youngsters, the gentleman from Colorado, whom we are honoring today, and our beloved Speaker, the gentleman from Tennessee, became Members. I have the distinction of having served with at least 1,500 different men and women in this House, and I say honestly and sincerely that I have never known any Member whom I believed more deserving of the spontaneous and heartfelt tributes that have been paid here today than the gentleman from Colorado, my friend, Mr. TAYLOR.

I have known him long and well. We lived in the same little modest hotel for many years. May I say that he is not entitled to all the credit he is receiving today for his length of service in this body, his achievements, and his popularity in Colorado. I have the pleasure of knowing his charming spouse also [applause]; and there is no sweeter, more lovable, or more accomplished character than she; therefore, I feel that it is due to the splendid care which she has taken of this gentleman during his days of illness that we have the pleasure of having him still with us. I recollect that about 12 years ago, due to strenuous work, the sincerity of and devotion to his duties here, Mr. TAYLOR suffered a nervous break-down, which many of us feared he would not overcome; but, thanks to that splendid lady, he is still with us, with undiminished fervor and mental and physical vigor. I hope he will continue to be with us for many, many years to come.

Though Mr. TAYLOR is a partisan Democrat, he is a man who feels that his duties are first to the Nation and his State. Many times some of us on our side have thought we should vote for a certain bill that we thought was a party measure; but Mr. TAYLOR followed the dictates of his just heart and ripe mind, if he thought the interests of the people of his State and the Nation were better served by voting against the measure. He is a man who must be recognized as an outstanding statesman, a man who has the interests of the Nation and the people at heart at all times, regardless of whether his party and his associates agree or disagree with him. He has been honest, he has been sincere, he has been devoted to his duty, and I congratulate the people of his State for reelecting him for 14 consecutive terms and the Nation for its opportunity in these hectic times to draw upon his singular qualities of first-rate conservative, scholarly broad-minded statesmanship, whose first consideration is welfare of country. I hope the great State which he so ably represents in part will continue to reelect him to this body, unless he changes his mind and desires to foresake this side of the Congress to become a Member of the other body.

May I say that he has had several opportunities to accept what many consider a promotion, but he has refused because of the affection and unselfish zeal he has for his engrossing and important work in the House of Representatives.

EDWARD TAYLOR, I hope you will convey to Mrs. Taylor our best wishes, because I know that if all the other Members knew her as well as I, they would join me in felicitating not only you but also your estimable life companion on this happy occasion. [Applause.]

Mr. MARTIN of Colorado. Mr. Speaker, I ask unanimous consent to proceed for 3 minutes.

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

There was no objection.

Mr. MARTIN of Colorado. Mr. Speaker, the honor of presiding on this occasion would be entirely sufficient for me, but since the Speaker has kindly mentioned me as one of the three men who came into the Sixty-first Congress with himself and my beloved colleague, ED TAYLOR, perhaps I can add a fitting and not uninteresting word to these services.

I suppose that I might hold myself up as a horrible example to the young, ambitious men of this body. JOE BYRNS, ED TAYLOR, and I stood up in this Well on the 4th day of March 1909 and raised our right hands and became Members of the Sixty-first Congress. As stated by the Speaker, we are the only three men left who became Members of that Congress. One of us is the Speaker of the House, the other is the acting majority leader, while I am a junior member of the Committee on Interstate and Foreign Commerce, on which committee I served 25 years ago, and only this morning I acted as chairman of a subcommittee of that committee, which is the highest distinction I have achieved in connection with my present congressional services. May I say to the younger Members that I stayed two terms and quit, and that if you want to sit up there where JOE BYRNS is sitting or back there where ED TAYLOR is sitting, you cannot drop out of Congress for 20 years.

But, Mr. Speaker, I receive great consolation from the philosophy of Emerson, who said: "There is no gain without a loss and no loss without a gain." The distinguished minority leader has recounted the achievements of men with a longevity record in the House, but there is a question in my mind whether it is a greater achievement to come here and stay 20 years or go out for 20 years and come back. [Applause.] I think if the honored minority leader will look up the record he will probably find that there are less men who stayed out 20 years and came back than stayed here 20 years in the first place. [Laughter.]

Just a word about my colleague, ED TAYLOR. He is without question the most valuable man for the West, not only in either House of Congress, but in Washington. He came here 25 years ago with a background of 12 years in the Senate of the State of Colorado. I say without fear of contradiction that he is better informed about western conditions, western resources, and western needs than any man in Washington. I do not have to tell the Members of the House that he is always on the job. [Applause.] I think Colorado would be wise if it kept ED TAYLOR in Washington as long as he is able to sit in a chair and may that be a long, long time. [Applause.]

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an article which appeared in the United States News of June 17 regarding the Honorable EDWARD T. TAYLOR. I think this is of enough importance to be included in the RECORD.

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

There was no objection.

Mr. CUMMINGS. Mr. Speaker, under leave to extend my remarks in the RECORD, I include an article appearing in the issue of the United States News, pertaining to my colleague, the Hon. EDWARD T. TAYLOR, of Colorado, which I know is eminently well deserved and is appreciated by the people of Colorado, and I feel that it is worthy of being preserved in the RECORD of this date, his seventy-seventh birthday.

[From the United States News]

WHO'S WHO IN THE GOVERNMENT—EDWARD T. TAYLOR, ACTING MAJORITY LEADER OF THE HOUSE—COLORADO LAWYER, WHO HAS WRITTEN A HUNDRED FEDERAL LAWS

There are a number of things about Representative EDWARD T. TAYLOR, de facto majority leader of the House of Representatives, that make him an outstanding figure.

In the first place, his tall body, straight as an arrow, carries 76 years as if they were but 60 and his record likewise carries a list of achievements in lawmaking that would be hard to beat. Forty measures of his enacting are now on the books of his native State, Colorado, and he has written more than a hundred Federal laws.

And then, of course, his district is "the top of the world." It comprises some 40 of the tallest peaks of the Rockies, rich in ore and filled with names that are a part of the glamorous history of America's gold-mining days.

And another thing that makes Representative TAYLOR unique is his period of service. He is the only man in history entering Congress at the age of 50 who has served as many as 14 consecutive terms.

PUBLIC WORK HE HAS DONE

Recently when some nimble-penned artist attempted to portray in picture the achievements of this "top of the world Congressman" he had a hard time getting his sketches into the space allotted him. He drew a gushing pipe to symbolize a quarter-century fight for water rights, a sack of money representing the allotment for the "biggest reclamation project" in western Colorado, and a span of State roads through forest and over mountain running from Denver to Grand Junction, over the Tennessee River Pass and through the Colorado River Canyon. Sheep, cattle, and silver filled the rest of the picture, representing the two industries, stock raising and mining, which have been assisted by Mr. TAYLOR.

Of the long list of bills which Representative TAYLOR has written, two are most frequently mentioned in connection with his name. One was the act that changed the name of the Grand River to the Colorado and the other is the Taylor Grazing Act. Both represented long hard battles and both were inspired by the intense State loyalty which Mr. TAYLOR bears. Of course, the grazing act was national in scope and the Colorado River is vital to the seven States which it touches and to the great Boulder Dam which stores its waters.

BEGAN LIFE ON A FARM

Mr. TAYLOR'S father was born in England but was brought to this country by his parents when he was a year old and was reared on a farm near Jacksonville, Ill. EDWARD TAYLOR began his life on an Illinois farm, too, but later moved to a stock ranch in western Kansas. He was graduated from the high school in Leavenworth, Kans., in 1881. After graduation he started West looking for a job and ended up as principal of the high school in Leadville, Colo.

The next fall he left Leadville to attend the University of Michigan law school. When he had won his sheepskin at Ann Arbor he returned to Leadville and began practice in the office of his uncle. His public life began at once for in the year of his graduation he was elected county superintendent of schools. The next year he was made deputy district attorney. In 1887 he moved to Glenwood Springs where he went into law partnership with his brother and the same year was elected district attorney of the northwestern Colorado district.

LONG IN COLORADO SENATE

In 1896 he was elected State senator and served for 12 years. It was then that Mr. TAYLOR'S versatility as an author of legislation became evident and besides his 40 statutes he is credited with five State constitutional amendments. He held other public offices and was active in national Democratic politics, organizing a bureau of naturalized citizens at Chicago in 1916 and afterward campaigning extensively in the West among the foreign born.

Twenty-six years ago he was elected to Congress. There is now only one other man who with him entered that (the 61st) Congress. That is Speaker BYRNS.

INTEREST IN PUBLIC LANDS

Mr. TAYLOR'S interest centers on the Appropriations Committee of which he is vice chairman and also chairman of the subcommittee which is in charge of the Interior Department bill.

And when it comes to the Interior Department Mr. TAYLOR is right at home. His interest in the public domain goes back to his district and some of his earliest activities as a lawyer were when he adjudicated an important drainage case. He has battled for reclamation and for the Forestry Service; twice he saved the Hoover Dam Act from defeat and he watches that project like a hawk. Only recently he filed a brief with Secretary of the Interior Ickes, looking to assurance that no governmental activity would be permitted to nullify any of the rights under the compact of the States for the development of the Colorado River.

FILLS DIFFICULT POST WELL

For the most part Mr. TAYLOR has kept out of the inner political disputes of the House; he is never self-assertive and his present difficult job of leader, where he has to exercise control over men who elected someone else for the office, has been marked by a suavity and urbanity which few could muster under the circumstances.

When Representative BANKHEAD fell ill on the eve of taking over the office of floor leader to which he had just been elected it was at first thought another election would be held. But Representative BANKHEAD chose to make Representative TAYLOR his delegate and this course was insisted upon. Since Mr. BANKHEAD is still very ill, Mr. TAYLOR has been leader in everything but name since January 3.

Irrigation, mining, administration of public lands are all familiar topics to this sturdy champion of the open spaces and he is known throughout the West as one of the great human factors in its development in the last quarter century and more.

He has served on various committees dealing with these subjects and he is credited with effective work on the special committee that drafted the present Budget law.

Quiet and courteous, he devotes most of his time to his committee work, supplemented now by his duties as floor leader. He takes very little part in the social life of Washington. He is married and has three children, two sons and a daughter.

Mr. BUCHANAN. Mr. Speaker, it does me good to witness this deserved tribute being paid to my colleague in the House and to my colleague on the Appropriations Committee. Should anything happen to me, he would become chairman of that great committee. I unhesitatingly say to the Members of this House that if that should happen the fiscal affairs of this Government would be in safe-keeping in the hands of ED TAYLOR, of Colorado. [Applause.]

Mr. TAYLOR'S services to his State and to the Nation are of great value, but however valuable his services may be, his life is more valuable to the youth of this country. It demonstrates this great truth in life that if you will inform yourself, preserve yourself, moderate yourself, and live for your fellow men that they may live for you, you will gain steadfast footing at every step, mounting at length to eminence and distinction and becoming an ornament to your family and a blessing to your country. This has been the history of the service and character of ED TAYLOR. [Applause.]

Mr. LEWIS of Colorado. Mr. Speaker, other old-time friends in the House have referred to the long and distinguished service in the Congress of our beloved colleague, ED TAYLOR. But I believe I have known ED TAYLOR longer than anyone within the reach of my voice or in the city of Washington. I was quite a young boy when I first met ED TAYLOR. Even then he was and had been for many years a prominent public man in the State of Colorado. County superintendent of schools in Lake County, of which the celebrated mining town of Leadville is the county seat; city attorney of Glenwood Springs and county attorney of Garfield County; deputy district attorney and later district attorney for the judicial district comprising all of northwestern Colorado; for 12 years one of the leaders in the Colorado State Senate and for 2 years president pro tempore thereof, and acting lieutenant governor. A distinguished lawyer specializing in irrigation and water rights. He had deservedly won the high

respect of the people of our State for his public services in our State. His name even then was a household word. All the citizens of Colorado, regardless of party, have rejoiced in his splendid services for the Nation in his wider field here in Congress, but long before he came to Washington he had distinguished himself at home.

I am delighted to add a further tribute of regard and affection to his charming and able wife.

Whatever the vicissitudes of politics may be in the future, whatever the mutations of party, the people of Colorado will continue to send ED TAYLOR down here to represent our State, the West, and the Nation. [Applause.]

Mr. ASHBROOK. Mr. Speaker, I desire to subscribe to and endorse all of the fine things that have been said here this morning about our good friend and colleague, ED TAYLOR. He is worthy of every tribute here spoken. I never knew a finer gentleman.

I have risen this morning simply to make this statement. There are only three Members of this body today who saw and heard the distinguished Speaker, JOE BYRNS, our friend the gentleman from Colorado, Mr. TAYLOR, and the gentleman from Colorado, Mr. MARTIN, take the oath of office on March 4, 1909. I refer to the dean of the House, Judge SABATH, the gentleman from Pennsylvania, Mr. FOCHT, and myself. We are the only three who are Members of Congress today who were Members of Congress when these three distinguished gentlemen became Members of this body more than 26 years ago.

I lived at the same hotel, old Congress Hall, with our good friend, his good wife, and three fine kiddies for 14 years. I have known him intimately and well all these years. I know that he is always gentle, gracious, courteous, and kind, a true gentleman and an able statesman. He has made a very distinguished record in this House and enjoys the respect, confidence, and good will of all, regardless of the dividing aisle. None know him but to love him.

May I also say that while the gentleman from Colorado, Mr. MARTIN, has a record that is unique, I am also rather proud of my own record, which is also unique, if you will pardon me for injecting it into the RECORD at this time. I was in Congress 14 years, I was out 14 years, and then came back, and not only came back, my friends, but came back bringing with me five fine prospective candidates for a seat in this House. [Applause.]

Mr. Speaker, my fervent hope and wish is that our distinguished colleague and friend the gentleman from Colorado, Hon. EDWARD T. TAYLOR, may be permitted to serve at least a dozen more years and establish a longevity legislative record unknown in the annals of this body.

Mr. TAYLOR of Colorado. Mr. Speaker and fellow Members of the House, I cannot adequately express my sincere appreciation and gratitude for your most generous expressions of friendship and good will. I especially thank the minority leader of the House, Mr. SNELL, of New York, and the Speaker of the House, Mr. BYRNS, of Tennessee, and the father of the House, not in years but in service, Mr. SABATH, of Illinois, and all the other gentlemen who have so kindly joined in these felicitations.

I thank the gentleman from Illinois for his courteous reference to my wife, and I am proud to acknowledge that I would have disappeared from this floor many years ago if it had not been for the fact that for over 40 years my wife has been a constant guardian angel. [Applause.]

I can scarcely realize that this is in one respect the most rare and unique birthday greeting that has ever been accorded to any Member of this House. I am as proud as anyone can be of my membership in this great deliberative body, and supremely appreciative of the friendships of so many hundreds of splendid Members. It has been a great honor and privilege and a marvelous opportunity for service to our country and to the West and my home centennial State in particular. Two generations of the people of western Colorado have honored and trusted me during my public life extending over half a century. I am profoundly grateful to them. No Member of this House has ever had a more loyal backing from home than I have, and I am proud of them and I hope they will always be proud of me.

Life is a marvelous moving-picture show these days, and we ought all to be grateful of being members of the board of directors of our great Government and of the opportunities as well as the obligations that that trust involves.

But I will not make any speech. I just want to again thank you all from the bottom of my heart for this most wonderful official birthday party that has ever been given to any Member of Congress during the history of our country. It will always be one of my dearest recollections as long as I live; and I will conclude by fervently saying to you boys and girls: May the Lord take you all, but not for a long time after your seventy-seventh birthday. [Applause.]

CONFERENCE REPORT—NAVAL APPROPRIATION BILL, 1936

Mr. GARY submitted a conference report (Rept. No. 1262) on the bill (H. R. 7672) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1936, and for other purposes.

BUNK AND NONSENSE FROM MR. WILLIAMS

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

The SPEAKER. Is there objection?

There was no objection.

Mr. HILDEBRANDT. Mr. Speaker, in the course of a moderate amount of experience, I have seldom read more bunk and nonsense veiled in highbrow language than the article of James T. Williams, Jr., which appeared in the Hearst papers recently under the heading, "'Dictatorship' Championed by Supreme Court Critic." In this article, Mr. Williams, with zeal worthy of a better cause, goes to great length to misrepresent my proposal regarding two amendments to the Constitution.

In order to put an end to the oft-repeated thwarting of the will of the people by the Supreme Court by declaring humane laws "unconstitutional", I urged amendments to the basic law:

First. So that the Government can take any steps it finds necessary to assure every able-bodied, full-grown citizen engaged in useful labor of the comforts of life, as well as to assure the same to the disabled, sick, aged, and minors.

Second. So that henceforth the Supreme Court will never again have the power to block humanitarian enactments by branding them unconstitutional.

Mr. Williams starts off with a misrepresentation in his first paragraph. He says:

> Toward the overthrow by popular referendum of the Government of the Constitution comes now Congressman HILDEBRANDT (Democrat), of South Dakota, with a specific program.

Mr. Williams is sufficiently intelligent to know that I proposed nothing of the sort. Amending the Constitution is not "overthrow of the Government of the Constitution." Does Mr. Williams believe the average citizen in his right mind will think that it is?

If I am not mistaken, the American Constitution was the first constitution in the history of the world to make specific provision for its own amendment. Constitutions under monarchies and other forms of despotism were supposed to be fixed, static, unchangeable documents that never could be altered. The American Constitution was adopted as a document that was subject to amendment when the people desired. It was intended to be responsive to popular will under certain conditions. Therefore, a way was provided for changing it.

I have proposed that we utilize the provisions of this very same Constitution for which Mr. Williams professes such noisy enthusiasm and adopt two amendments.

Did it ever occur to Mr. Williams that the Constitution has been amended a score of times already and that in the infancy of the Nation, the first 10 amendments—the Bill of Rights—were added in a single group?

Now we come to another of Mr. Williams' numerous misrepresentations of my position. He states that—

> The former passenger-train conductor who represents the First South Dakota District in the present Congress appears to think dictatorship offers the only relief from what he is pleased to term the "tyranny" of the American system of government, which he took an oath on the floor of the House to support when he began his present congressional term.

For one thing, I did not advocate dictatorship but industrial and political democracy.

For another thing, I have never said one syllable about "the tyranny of the American system of government." On the contrary, I urged using the existing provisions of this system of government to amend the Constitution so that its terms cannot possibly conflict with passing laws to end poverty and suffering, and so that the Supreme Court may no longer exercise authority that it was not originally intended to have. The tyranny is not in the system of government we have but in certain abuses that can be corrected.

Mentioning the oath that a Congressman takes to support the Constitution, Mr. Williams seeks to spread the impression that in some strange and incomprehensible way I have violated my oath. More bunk and nonsense!

I took an oath to support the Constitution. I did not take an oath to refrain from ever advocating an amendment to it.

Were the abolitionists in Congress, whose pioneer work paved the way for the constitutional amendment ending slavery, violators of the Constitution because they wanted it amended?

Was the wet Congressman who swore to uphold the Constitution while it contained the eighteenth amendment a violator of the fundamental law of the land because he disapproved the eighteenth amendment—which has now been repealed?

Because you take oath to obey a constitution does not forever obligate you to believe that it is perfect in every detail and to insist upon its retention for the next 1,000 years.

Mr. Williams knows this. He is not fooling himself. He is trying to fool others—and he will not even do that.

The reference to myself as "the former passenger-train conductor" is meant for sarcasm, I suppose. May I suggest to Mr. Williams that if the advice of train conductors, present and former, and of other railroad men, as well as of workers generally, had been heeded to a greater degree, the masses of our country would not have been bled white by the parasites of finance—capital.

When he adds that I do "not represent the rank and file of the railway brotherhoods", he is attempting to deceive his readers into thinking that the brotherhoods are satisfied with exploitation by Wall Street and with the improper use of the Constitution and the Supreme Court to perpetuate that exploitation. Perhaps I am as familiar with their attitude as he, and I have no hesitation in asserting that they are not satisfied with these conditions. They want legislation that will assure workers of the product of their labor and they have no more false reverence than I for clauses in a 150-year old document that ought to be modernized or for "nine old men in black", as Labor, organ of the Associated Recognized Standard Railroad Labor Organizations, called them.

Mr. Williams cites two commendable decisions of the Supreme Court and refers to "case after case in which the great tribunal has fearlessly upheld the rights of the laboring man." Oh, yes; the Supreme Court has sometimes been on the laboring man's side, but none too often. And the number of its decisions in which property rights have been ranked above human rights is appalling. The Roger Taney decision regarding the fugitive slave act, the income-tax decision, the decision against the Federal anti-child-labor act, the decision in the Newberry case forbidding Congress to legislate to regulate primary elections—these are some of them. Even if the decisions of the Supreme Court had always been on the side of the toilers, this would not affect the fact that the Court did not originally have the power to declare a law unconstitutional. This power was seized years after the Nation was founded.

The difference between the reactionary and plutocratic attitude of Mr. Hearst's writer, Mr. Williams, and the viewpoint of Thomas Jefferson, who said no society should have a perpetual constitution or a perpetual law, and favored a new constitution every 35 years, is as great as the difference between noon and midnight.

For Mr. Williams' benefit, as well as the benefit of all who are unfamiliar with the opinions entertained by Jefferson regarding courts and constitutions, I quote two statements by America's great Democrat.

The first was made in 1810. It reads:

It has long, however, been my opinion, and I have never shrunk from its expression, that the germ of dissolution of our Federal Government is in the constitution of the Federal judiciary; an irresponsible body, working like gravity by night and day, gaining a little today and a little tomorrow, and advancing its noiseless step like a thief over the field of jurisdiction.

The second was made in 1816, when Jefferson was living in Monticello:

Some men look at constitutions with sanctimonious reverence and deem them like the Ark of the Covenant, too sacred to be touched. They ascribe to the men of the preceding age a wisdom more than human and suppose what they did to be beyond amendment. I knew that age well; it was very like the present, but without the experience of the present; and 40 years of experience in government is worth a century of book-reading; and this they would say for themselves were they to arise from the dead. * * * But I know also that laws and institutions must go hand in hand with the progress of the human mind as that becomes more developed, more enlightened, as new discoveries were made, new truths disclosed, and manners and opinions changed with the change of circumstances, institutions must advance also and keep pace with the times. We might as well require a man to wear still the coat which fitted him when a boy as civilized society to remain ever under the regiment of their barbarous ancestors.

Between the philosophy of Mr. Williams and the philosophy of Mr. Jefferson, I must confess, Mr. Speaker, that I choose that of Mr. Jefferson.

THE RECLAMATION FOLLY

Mr. CARLSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech delivered by the gentleman from New York [Mr. CULKIN] over the radio on Saturday, June 15, 1935.

The SPEAKER. Is there objection?

There was no objection.

Mr. CARLSON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following radio address of Hon. FRANCIS D. CULKIN, Thirty-second District, New York, over the N. B. C. national hook-up Farm Home Hour, 12:30, Saturday, June 15, 1935:

Fellow citizens, I greatly appreciate the courtesy accorded me today to speak over the National Broadcasting Co.'s national hook-up to the farmers of the Nation. I am indebted to the National Broadcasting Co. for this opportunity and to Mr. Fred Brenckman, the able representative of the National Grange at Washington, who was the bearer of the invitation.

The problem of the farmer today, yesterday, and since the close of the great war has been the problem of surpluses. Congress has legislated to the end that this surplus might be controlled so that the farmer might find a living price for his product. Under the present A. A. A. the policy of control of the surplus was adopted through the medium of legislation that permitted acreage retirement and benefit payment. The purpose of this legislation was to balance production with consumption and to place agriculture on the same plane as industry.

During my service in Congress I have supported all legislation which had this objective for its purpose. Every economist of note assents the proposition that the return to normal times is dependent very largely upon reestablishing the buying power of the farmer. Upon this restoration of buying power to the farmers of the Nation depends the well-being, and indeed the future life, of the industrial States.

During my service in Congress I have given some study to reclamation as a factor in creating surplus crops from which agriculture suffers. As a result of this I have been and am a definite and vigorous foe of the policy of reclamation as at present carried out by the Department of the Interior. I do not wish to be misunderstood on this question, for when opportunity occurred I have invariably supported by my voice and vote legislation which tended to alleviate the conditions of the farmers who are already on these reclaimed areas. I have supported the moratorium on water rentals. I will support any and all measures for the relief of the reclamation farmer. When I oppose further reclamation I am in their corner fighting their battle. I am for and will always support reclamation projects upon which the community life and the normal development of the West and Southwest depends. May I state that I am for the man on the land, both East and West, and for the improvement of his condition? I think I have a national viewpoint on these matters. I hold no brief, however, for the land sharks, boomers, railroad officials, pseudo empire builders, and similar groups who care nothing for the farmer and who are the main driving force in this reclamation folly.

Primarily, let me state that in these United States there are arable acres to the number of 973,000,000. Normally there are in cultivation in continental America approximately 300,000,000 acres. By virtue of the reduction policy of the Agricultural Administration there are now in production approximately 250,000,000 acres, hardly more than one-quarter of the arable lands of the country.

In a laudable attempt to bring agricultural prices up to a parity with industrial prices and to control the surplus the Department of Agriculture last year spent $635,000,000 to take 35,000,000 acres out of production.

The A. A. A. is in charge of crop production under the leadership of Mr. Chester Davis, a sincere and able public official. While he is harnessing the whole power of the Government to the proposition of controlling surplus, the Bureau of Reclamation in the Department of the Interior, at loggerheads and at war with the policies of the Department of Agriculture, has pursued this fatal policy of bringing new lands into production. In this year of our Lord, against the wishes of the farmers who are being destroyed by this uneconomic policy, the pseudo empire builders of the Bureau of Reclamation are starting to bring into production approximately 4,000,000 additional acres of land.

These additional acres will increase the existing surplus, depress prices, and add to the present distress of the farmers. My colleagues from the reclamation States claim that crops raised on reclaimed land amounts to 1 percent of the crop production in America. This, my friends, is a definite fiction. In some fields the increased croppage rises as high as 50 percent. The tables show that 11 percent of the total crops in America are raised on reclaimed lands, every acre of which has been either reclaimed by the Government or on projects fostered and engineered by the Bureau of Reclamation in the Department of the Interior. The commitments last year to reclamation were over $100,000,000. To complete the projects started will take a billion dollars. Much of this money comes from farm States, including Minnesota, Wisconsin, Iowa, and Ohio. In other words, the Bureau of Reclamation is using the money of the farmers for the purpose of destroying them by added competition. Thus far the farmers have been complacent and passive about this procedure.

Some of the pending projects when put into work will destroy the farmers who are already on the land. Let me illustrate this:

If the 2,000,000 acres of the Grand Coulee, in Washington, is put in work it will unhorse the fruit farmers of the West coast. Already there is a surplus of this type of orchard crop in the West, and we are told that the land of the Grand Coulee is particularly suited to raise fruits. I have opposed the Grand Coulee development for this reason. This project was condemned by the United States Engineers in 1932 as uneconomical either as a reclamation or power project. It has never had the approval of Congress. The Grand Coulee is a vast area of gloomy table lands interspersed with deep gulleys located in northern Washington. The project has been condemned by the National Grange and other agricultural groups in America.

I am in receipt of letters which tell me that the farmers of the State of Washington are becoming alive to the dangers that confront them. I hold in my hand a letter sent to Mr. Fred Breackman, representative of the National Grange at Washington, D. C., from a resident of the State of Washington. This letter recites that the orchard property in Wenatchee-Okanogan district showed an average fixed indebtedness, not including current indebtedness, for growing costs per acre of $599.74. The writer goes on to say:

"This information should be of value to you in your efforts to prevent further irrigation development in the State of Washington. The placing of more lands under irrigation at this time is nothing short of confiscation of the homes and ranches of those people who have already invested their life savings in this State."

I now call as a witness to the dangers of this development a resident of Kennewick, Wash. This writer is well-informed and I read from his letter:

"If we gain a bunch of suckers you lose them and they move out here, and the subsequent disillusionment puts them on the bum for good. You had a plain case of that in the ill-starred Brooklyn caravan when they trekked to Idaho. In our whole national set-up there is no one scandal as rotten as the reclamation delusion. The pitiful feature of this whole mess is that the western irrigation farmer is never allowed to 'catch up.' If the poor fool imagines that he sees daylight a long way ahead, his hopes are dashed by a new political ditch (appropriation grab) starting up somewhere. Our 'Reclamation Service' should be in the Agriculture Department, not the Interior Department."

I have in my files many similar letters from farmers in the State of Washington. It will interest my hearers to know that the United States Engineers estimate that the completed Grand Coulee project will cost $714,000,000, amortized at 4 percent. The farmers of the Nation who are the real creators of its wealth will, therefore, be contributing to their own destruction.

Boulder Dam will bring 1,200,000 acres into production. Some of the reclamation phases of Boulder Dam are sound, as are its provisions for flood control and power. More than half of the acreage, however, will simply add to the existing agricultural surplus, and the man who farms this area will find no market for his crops. Fifty years from now the picture may change, but with immigration stopped and the birth rate falling it is unlikely that this additional land will ever be needed.

I want to emphasize anew that reclamation projects of this type are destructive alike to the farmer who is already on the land and those who settle on these reclaimed areas. When either group brings his crop to the market he is confronted with falling prices that do not give him and his a decent living. Putting these areas into production will further handicap the already grievous situation of the dairymen, for our friends in the Reclamation Bureau are stressing dairying in all their literature. It will destroy the California growers of soft fruit, including pears, peaches, and apricots. It will destroy the Oregon and Idaho farmers by new plantings of apples and potatoes. It will furnish additional and destructive competition to the fruit growers of Virginia, Pennsylvania, New Jersey, New York, the New England States, Ohio, Michigan, and Southern Illinois. These lands will seriously affect the present difficult situation of the wheat farmers in Kansas, Iowa, and Minnesota. It is time that the farmers of the Nation were aroused to their danger. Their leaders in the Grange and other organizations have advised them of this peril and have fought vigorously against the placing of new lands into production. It is time that the people themselves became vocal.

The Bureau of Reclamation should be placed in the Department of Agriculture. Make this the subject of discussion in your Granges and other gatherings. If you do this the future of all farming groups will be more secure. If you do not get into action and stop this mad folly, the present effort of the Department of Agriculture to control the existing surplus will be in vain, and you will pass on to your children and your children's children a continuing heritage of economic distress.

NATIONAL LABOR RELATIONS BOARD

Mr. O'CONNOR. Mr. Speaker, I yield 30 minutes to the gentleman from Pennsylvania [Mr. RANSLEY].

Mr. Speaker, before I proceed to attempt to discuss House Resolution 263, providing for the consideration of the labor-disputes bill, I want to heartily join in the felicitations which have been expressed to the distinguished gentleman from Colorado, our beloved acting majority leader [Mr. TAYLOR] upon the occasion of his seventy-seventh birthday. [Applause.]

He is in much better voice today than I am. I only hope that some of us who may be a generation or more younger than he, when we reach that ripe old age of 77, we shall have had such a distinguished career as he and that we shall be as alert, physically and mentally, as he is today. I congratulate him. [Applause.]

Mr. Speaker, House Resolution 263 provides for the consideration of the labor-disputes bill, commonly and sometimes profanely referred to as the "Wagner-Connery bill", named after the distinguished junior Senator from my State and that beloved champion of labor, the distinguished gentleman from Massachusetts.

I assure you that this rule is not a gag rule. I have been amused at the constant misguided references to gag rules. Only yesterday I read in a Washington newspaper that the A. A. A. amendments bill was being "jammed through the House under a gag rule."

Of course, nothing could be more ridiculous. The A. A. A. and the Wagner-Connery bill would never be considered in this House without a special rule. Rather than the rule for the consideration of the A. A. A. amendments being a gag rule, it was six times more liberal than the usual and ordinary procedure of this House. This rule for the consideration of the Connery bill is three times as liberal as the ordinary procedure of the House. If that is gagging it is at least a pleasant dose. Because if either of these bills were brought up under the ordinary rules of the House there would be only 1 hour's debate, whereas in the triple A bill we provided for 6 hours' debate, and for this bill 3 hours' debate, with every opportunity for amendment and no attempt to restrict the prerogatives of any Member.

For months I have been overwhelmed by countless thousands of letters from all over the country in reference to this bill, most of them from employers apparently alarmed at the prospects of its passage. I think the gentleman from Massachusetts and other supporters of the measure, who know the situation as to this bill, can state to the country, if it really concerns what I had to do with the making of the rule for the consideration of this bill possible.

Mr. COX. Will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. COX. I know that the gentleman has been anxious to get a rule for the consideration of this bill, and any assertion that he has been blocking it is untrue.

Mr. O'CONNOR. I have been striving for weeks to get this rule reported from the committee so that the House

might consider it. From the beginning, despite any statements of irresponsible labor leaders to the contrary, I have been wholeheartedly for the bill.

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

Mr. O'CONNOR. Yes.

Mr. CONNERY. I know the situation and I am entirely familiar with it. I am glad to tell the country that the gentleman from New York [Mr. O'CONNOR] has done everything in his power to bring out a rule on this bill.

Mr. O'CONNOR. Oh, I am not concerned about scandalous misstatements from irresponsible sources. I have gone through many years of it and I can still take it a little longer.

Mr. HOEPPEL. And, Mr. Speaker, the gentleman may be unjustly accused in reference to the Spanish-American veterans' bill. I know the gentleman was heartily in favor of that bill, and I should like that to be shown in the RECORD.

Mr. O'CONNOR. Oh, I do not care about that either. Everyone who knows what goes on here knows what I did to make the passage of that bill possible.

As I understand it, this labor-disputes bill becomes necessary chiefly because of the Supreme Court decision which disposed of the main part of the N. R. A., including section 7 (a), which provided for the settlement of labor disputes. As I read the bill and study it, what it does principally is to provide for collective bargaining among employees. Employers, through their chambers of commerce and their trade associations, have always had the privilege of collective bargaining; and if N. R. A., if the new deal, has any one outstanding feature, it is the encouragement of collective bargaining among business men, manufacturers, and producers. If collective bargaining under the new deal should fail, the whole new deal would fail. If that right of collective bargaining is accorded to employers, why should it not be granted to employees? That is the spirit of this bill—to give to employees the same right to act in concert that has been granted to employers. Everyone knows that the individual, by himself, is at the mercy of the heartless employers.

What does the bill do? Employees have had the right of collective bargaining, by decisions of the court, since 1842, and this bill merely assures them that they may do that without interference from the employer in their self-organization. Is there anything wrong in that? Does anybody object to that? Of course, some employers do.

All the bill says to the employer is, in effect, "If your employees want to organize, as they have had a right to do for over 90 years, you keep your hands off and let them organize. You bargain collectively. Let them bargain collectively by representatives of their own choosing. They do not choose your representatives. Why should you choose theirs?" Is there anything wrong with that? The employer bargains collectively with representatives of his own choice. He sits in his trade association. He sat in the code meetings. Did he have outside representatives selected by employees or anyone else? No; he had representatives of his own choosing; and all that labor asks is that when they bargain with their employers, they have representatives of their own choosing. Who can complain of that?

This bill is nothing new. The National Industrial Recovery Act contained substantially the spirit of the bill. The N. R. A. provided:

> Employees shall have the right to organize and bargain collectively—

Is there anything wrong with that?—

> through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers.

Is there anything wrong about that? We merely enunciate an equality of bargaining power.

This bill in its spirit is substantially a reenactment of the provisions of the National Industrial Recovery Act, which this Congress deliberately put into that bill. In the last Congress we gave the railroad employees that exact right—to be free from interference from the employers. We gave them the right to bargain collectively without any interference from the railroad executives. Is there any reason why labor generally should not have the same right as the railroad workers?

Of course, many of the employers would like to keep their self-controlled company unions. Why, the very name "union" is a misnomer. It is a stopgap against any union.

I have heard there have been some objections to the provision that labor, through its representatives, should be entitled to go into the courts although the labor union and although the representatives of the workers are not parties to the suit. What is wrong with that? Why should not labor have the chance to go in and argue collectively the rights of labor in any court action where there is a labor dispute? Why should they not have their own attorneys in the suit?

Mr. Speaker, it is my conviction that there is a lot of undue alarm about this bill among employers and as to what its results will be. It has been my experience in the Legislature of New York, and in this body, that employers, falsely importuned by their lobbyists, by their paid representatives who want to keep their jobs, are deliberately frightened at any suggestion of bettering the conditions of labor. I have a letter here from a man in New York, the same man who fought the workmen's compensation law, the same man who fought improving the hours of labor for women and children in industry, the same man who fought the factory laws, and he is still fighting every labor measure. He holds a job. He is paid to do it and to frighten employees.

It has invariably happened that after those labor laws were put into effect, the employer and business would not be without them. I predict that result as to this bill after it has had time to operate. The employers are unduly alarmed. If there is any injustice in the bill it will be corrected. I have never seen an injustice last very long. Listen to what this paid shouter for the Associated Industries of New York says as to the attitude of the employers of his association toward their Government:

> All employers and all independent self-respecting employees will refuse to submit to the governmental domination which this bill seeks to thrust upon them.

Is this a defiance of law? Of course the employers of my State did not authorize nor do they subscribe to any such defiant attitude toward our Government.

This paid lobbyist would have us believe that the employers whom he falsely represents are serving notice that if we pass the bill they will not submit to it. Of course, they will attack it in the courts. That is their right. Of course, they will put every obstacle in the way of it as they always have done when there has been an attempt to better the condition of wages and of employment. As to that they must answer to themselves and their employees.

There is a lot of talk nowadays about the distribution or the redistribution of wealth. Why, Mr. Speaker, the way to distribute wealth in this country, if it should be better distributed, is to increase wages and individual income. [Applause.]

So I am hopeful that when this bill has been thoroughly considered under the 3 hours' general debate and under the 5-minute rule, many of the alarms, many of these fears which have been set up as straw men by paid representatives of employers will be dissipated, and that this House will come to the conclusion that the enactment of this bill is for the benefit not only of labor, but for the benefit of the employer and every man, woman, and child in this great country of ours. [Applause.]

Mr. RANSLEY. Mr. Speaker, I yield 10 minutes to the gentleman from New Jersey [Mr. LEHLBACH].

Mr. LEHLBACH. Mr. Speaker, I have not opposed the bringing in and adoption of any rule to make in order a major proposition of legislation desired by the administration and put on the legislative program of the leadership of the House. I think they are entitled to have their program of legislation, which the administration desires and which the majority of this House desire to further. I think they are entitled to have that legislation considered. Here-

tofore I have only opposed rules when they contained limitations on the offering of amendments, or otherwise deprived the membership of the House of free and unfettered deliberation under the general rules of the subject matter of the bills proposed. But I cannot vote for, and I must needs oppose, the reporting of this rule and its adoption.

Insofar as the subject matter of this legislation is concerned and its fundamental principles, I am in sympathy with it. I recognize the right of labor to collectively bargain. I am in hearty sympathy with everything that is economically possible to raise wages and better the living conditions of those who work in this country. I believe it is the destiny of this country that its standards of living for the masses of the people and for everybody be continually raised, and I am for anything that will bring that about. So it is not the bill as such that I am opposing; but recently the Constitution of the United States was interpreted by the Supreme Court in a decision that was unanimous, and which opinion I have before me.

I wish to remind the Membership of this House of some of the things that the Constitution contains. I quote from the opinion subscribed to by the entire membership of the Supreme Court. The Supreme Court laid down the proposition that the general police powers to be exercised in this country belong to the States, and that insofar as the exercise by the Federal Government of police powers is concerned it is limited to regulation of interstate and foreign commerce. If the exercise of power by the Federal Government is not needed for the regulation of commerce, then the exercise of that power has been prohibited by the Constitution to the Federal Government.

The Supreme Court has said, with respect to activities that affect interstate commerce, this:

> In determining how far the Federal Government may go in controlling intrastate transactions upon the ground that they "affect" interstate commerce, there is a necessary and well-established distinction between direct and indirect effects.

It cited the Coronado and the Bedford Coal Co. against Stonecutters of America cases and said that where the Supreme Court, under the Sherman Act, determined that under the Constitution the Federal Government had the right to interfere with intrastate activities, it was because the Court found as a fact that there existed a conspiracy not to do something that might affect interstate commerce, but a conspiracy to stop interstate commerce directly. It is upon the finding of that fact that the Court found that the cases came within Federal jurisdiction. It must be a direct and not an indirect effect, says the Supreme Court.

Mr. CONNERY. Will the gentleman yield?

Mr. LEHLBACH. I yield.

Mr. CONNERY. Chief Justice Taft in the Coronado case said:

> If Congress deems certain practices, though really not a part of interstate commerce, likely to obstruct, restrain, or burden it, it has the power to subject them to national supervision or restraint.

That is the purpose of this bill.

Mr. LEHLBACH. The Supreme Court in its decision said that these intrastate activities which interfered with interstate commerce must not only substantially interfere with commerce, but must have interference as a specific purpose. That is what the Supreme Court in the recent decision said.

It goes on:

> But where the effect of intrastate transactions upon interstate commerce is merely indirect, such transactions remain within the domain of State power. If the commerce clause were construed to reach all enterprises and transactions which could be said to have an indirect effect upon interstate commerce, the Federal authority would embrace practically all the activities of the people and the authority of the State over its domestic concerns would exist only by sufferance of the Federal Government.

Furthermore, this is what they said in answer to the question raised by the gentleman from Massachusetts:

> The distinction between direct and indirect effects has been clearly recognized in the application of the Antitrust Act. Where a combination or conspiracy is formed with the intent to restrain interstate commerce or to monopolize any part of it the violation of the statute is clear,—

Citing the Coronado case—

> but where that intent is absent and the objectives are limited to intrastate activities, the fact that there may be an indirect effect upon interstate commerce does not subject the parties to the Federal statute, notwithstanding its broad provisions.

Furthermore, in speaking of the Industrial Association against United States case, it quotes from that opinion as follows:

> The alleged conspiracy and acts here complained of spent their intended and direct force upon a local situation—for building is as essentially local as mining, manufacturing, or growing crops—and if, by resulting diminution of the commercial demand, interstate trade was curtailed, either generally or in specific instances, that was a fortuitous consequence so remote and indirect as plainly to cause it to fall outside the reach of the Sherman Act.

And the Supreme Court goes on further and says that while these decisions were upon the point whether the Antitrust Act was applicable to the cases brought before it, it goes on to say as follows:

> While these decisions related to the application of the Federal statute and not to its constitutional validity, the distinction between direct and indirect effects of intrastate State transactions upon interstate commerce must be recognized as a fundamental one essential to the existence of our constitutional system.

[Here the gavel fell.]

Mr. RANSLEY. Mr. Speaker, I yield 5 additional minutes to the gentleman from New Jersey.

Mr. LEHLBACH. These same rules that were applied in the antitrust cases are applicable in determining the constitutionality of a statute.

The Supreme Court sums up its opinion on this subject in the following language:

> We are of opinion that the attempt, through the provisions of the code, to fix the hours and wages of employees of defendants in their intrastate business was not a valid exercise of the Federal power.

And, as before mentioned, the Court specified as such intrastate business, building, mining, manufacturing, or growing crops.

What does the bill before us propose to do? This bill proposes to set up certain prohibitions against employers. Section 8 states that it shall be an unfair labor practice for an employer, any employer, to do one of five things heretofore not illegal. An employer is defined as anyone who pays money for the services of another, and excludes simply the Government of the United States, a State, or political subdivision thereof, any person subject to the Railway Labor Act, any labor organization or any officer or agent of a labor organization. Outside of these groups the pending bill includes everybody employing labor for any purpose throughout the United States, and is manifestly unconstitutional.

The bill provides procedure for the enforcement and restraint of indulgence in these prohibited labor practices. So we have here a situation where a proposed law is not doubtful with respect to its constitutionality, where there can be no reasonable difference of opinion, where it is not a matter of judgment as to whether it is in violation of the Constitution, because the interpreter of the Constitution, set up by that instrument, has spoken in unequivocal language. We have, therefore, the remarkable situation of the legislative and executive branches deliberately and willfully engaged in enacting legislation to vest powers in the administrative branch which powers they know the Constitution says are not within the jurisdiction of the Federal Government. It is clear usurpation. It is a determination by the Federal Government to govern in matters which the Constitution states are not within the jurisdiction of the Federal Government, matters which the Constitution recites are reserved to the States and the peoples thereof. It is a direct exercise of governmental functions by the Federal Government by main strength and in defiance of the Constitution.

I cannot vote for any such rule, I cannot vote for any such bill. [Applause.]

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

Mr. SABATH. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia [Mr. Cox].

Mr. COX. Mr. Speaker, I had not intended, until a few minutes ago, to have anything whatever to say about the Wagner-Connery bill consideration of which the pending rule is intended to make in order. I recognize, of course, that the bill raises an issue that must at some time be fought out, and I think it may as well be now as any other time. I have not, therefore, opposed the reporting of the rule by the Rules Committee, and do not and will not oppose the adoption of the rule in the House.

I have not had time to digest the bill as fully as I should like, but it must be apparent to everyone who has read it that it carries upon its face the most terrible threat—and I speak deliberately and advisedly—to our dual form of government that has thus far arisen. In this respect it is far more terrible than was the National Recovery Act. It is not what appears upon the face of the bill that disturbs me, it is the intent and purpose carried by the measure which the language used is intended to conceal.

The purpose of the measure, as all honest minds must confess, is to circumvent the effect of the recent ruling of the Supreme Court in the Schechter case. It is intended by this measure through the use of the commerce clause of the Constitution to sap and undermine that great document to the extent of ultimately striking down and destroying completely all State sovereignty. Here the attempt is made through the use of the commerce clause to extend Federal control to the point of production and distribution, which the courts for more than a hundred years have uniformly held to be domestic questions.

If it be not the purpose of the bill to circumvent and to nullify the pronouncements of the Court in the case to which I have referred, then there should be no objection to amending the measure to make it clear that there is no purpose to push Federal control through legislative definitions or otherwise beyond the point fixed by the Court in the Schechter case which defines the limit of congressional power. There is the test of what is here sought to be done; for, of course, no one objects to collective bargaining. I am for insuring to and protecting labor in the free and unrestricted exercise of all their constitutional rights. [Applause.]

[Here the gavel fell.]

Mr. RANSLEY. Mr. Speaker, I yield 10 minutes to the gentleman from New Jersey [Mr. EATON].

Mr. EATON. Mr. Speaker, I was profoundly impressed by the very able argument to which we have just listened, offered by the gentleman from Georgia [Mr. Cox].

I am not a lawyer; in fact, the number of phases of human existence about which I do not know is very large, but I approach this and every other problem from the point of view of the well-being of the man himself, and I find myself deeply disturbed by and strongly opposed both to this rule and to the legislation which it introduces to the House.

Eleven years ago last March I had the honor of addressing this House on the subject of our American economic revolution, and at that time I laid down certain principles by which I interpreted history. To those principles, in which I believe more strongly than ever, I appeal at this time for your consideration.

The end of the social process, as I see it unfolding down through the long weary centuries, is that men may be free. For a thousand years men have fought to be free to think, to be free to worship, to be free to govern themselves. They have won in theory at least those areas of freedom which have to do with intellectual, moral, and political rights.

Today throughout the civilized world the attention of every class in every community is turned to one new objective, namely, that the masses of men shall achieve the same freedom economically that in days gone by they had achieved in the realm of the mind, the spirit, and the political structure. In accomplishing this great objective, which I believe in with all my heart and to which I have devoted the best years of my life, we have a choice between two great instrumentalities. One is the American instrument of private enterprise developed by free American citizens under the Constitution and Government of the United States. The other is the instrumentality adopted in various countries of Europe, in which the Government is everything. It is the monster of control, and under that control the individual lives his life, whether he be employer or employee, shackled and bound by authority forced upon him from above and not created by his own choice. As between these two principles of life I take my stand on and for the American principle, and I am willing to go down with that principle even if I did not get one vote back home. I will stand for that American concept of life to the last ditch at any cost to myself or to my party. [Applause.]

Mr. Speaker, I believe in organized labor. I have voted and fought for almost every principle and every policy introduced in this House in 10 years that had as its purpose the advancement of the workingmen, not because I wanted their votes, although sometimes I needed them. I will be honest with myself and my people even if I am in politics. I would rather go down fighting for the principles that have made this Nation great than to be guaranteed a safe election for the rest of my natural life. I believe those American principles are at stake in this legislation today.

The American instrument for the distribution of wealth is not this body and it is not the White House. It is organized industry, composed of the employer and the employee working together as partners in the greatest material social service the world contains.

Mr. WHITE. I think sometimes industry may be overorganized.

Mr. EATON. I think that is a valuable suggestion. In the old days the individual was the chief instrument of industry. You did not need organized labor. But when we created by law a great, impersonal giant, known as a corporation, it became the duty of Government to follow that legislative creation by proper legal regulation. The day that you introduced that powerful impersonal instrument on the side of the employer, it became necessary for the employees to organize in a mass form, otherwise the individual worker would have had about as much weight as a fly on the wheel of a locomotive. So I have been for organized labor, and I want to see it continue, but I want to see organized labor and organized industry work together as a team in social service, not under the whip of bureaucratic control, but under personal responsibility and in accordance with the fundamental ideals of our country. [Applause.]

Can that be done? I may be an old fogy in my views about that matter, but I have been in the industry of this country, and in the closest intimacy with these problems for the past 20 years, and I do not believe that full and free and friendly cooperation between employer and employee is an idle dream. May I give you two illustrations, and I am sorry that they have to do with the dead. When you go to Cleveland, go out to the Lake View Cemetery, and I hope you will not go there as a patron, but rather as a visitor. You will see a monument at the entrance crowned by the magnificent figure of a man, Henry Chisholm. Many years ago a young Scotchman, who was a carpenter, and his wife were put off a sailing vessel on the wharf in Cleveland. They had all their worldly goods in a box and she sat on the box while he went up town to get a room. He came back and both of them took hold of the box and carried it up to their room. When that man died at the end of a wonderful career in Cleveland he was followed to his grave in the cemetery by 6,000 of his employees and they erected this monument. On it they put this statement:

Erected by 6,000 employees and friends in memory of Henry Chisholm, Christian, philanthropist, and everybody's friend. Born in Lochgelly, Scotland, April 27, 1822. Died in Cleveland, Ohio, May 9, 1881.

That is the essence of the relationship that I believe should exist between employer and employee in every organized industry. I believe it is possible to achieve that normal human relationship if we may have some kind of moral sense and intellectual understanding of our problems, which problems we can never solve by legislation such as is being proposed here today.

Here is the other instance. The employees of Richman Bros., manufacturers of clothing, have hung in the lobby of their East Fifty-fifth Street factory, Cleveland, Ohio, a life-size portrait of their friend and employer, Henry C. Richman, and a bronze tablet, which reads as follows and which does not read very much like the legislation which we are considering here today.

The Richman institution is a successful firm of Jewish people who have been for many years in the clothing business. They are not chiselers, they are not doing a sweatshop business. They are fine American citizens who stand for the very best in all their relations with their employees. This is what the employees put on the tablet:

The memory of the righteous shall be a blessing. This memorial tablet has been erected by the employees of Richman Bros. Co. in loving tribute to Henry C. Richman. June 26, 1876–February 16, 1934. Coworker, friend, benefactor. His interest in the personal welfare of the men and women of "the Richman family" was constant, devoted, and inspiring. He was a gentleman of spirit, generous of heart, strong in integrity, and a friend of us all. His memory will live forever in the grateful hearts of all who knew him, and, knowing him, loved and respected him.

Mr. GRAY of Pennsylvania. Will the gentleman yield?

Mr. EATON. I yield to the gentleman from Pennsylvania.

Mr. GRAY of Pennsylvania. May I ask the gentleman if he thinks there should be any laws against homicide because there are decent people in the country?

Mr. EATON. I would not expect a question of that magnitude to be asked except on that side of the aisle.

This resolution describes the legislation under consideration as—

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.

As I read the bill, the exact opposite of this description would be more in accord with the truth. It destroys equality of bargaining power between employer and employee. And it will increase enormously the causes of labor disputes. It will not cure the disease. It will aggravate and perpetuate the disease.

This legislation strikes a fatal blow at organized labor as we have known it in America. For it plucks the labor union out of the plane of free, self-governing American institutions and places it under the supreme control and domination of a political bureaucracy in Washington.

Under this bill the labor union ceases to function as an economic instrumentality and becomes a mere cog in the vast political bureaucracy now being built up in Washington for the purpose of bringing all American life under Government control and management.

It takes from employers and employees alike their constitutional right to develop their mutual relationships under local conditions and free from bureaucratic political dictation. And it denies the great majority of American workers the right to work under conditions and leaderships of their own choosing.

This and all similar legislation rests upon the absurd proposition that all business men are dishonest and unfair and all employees are incapable of self-determination or self-government. It places the relation of employer and employee upon a permanent and unalterable war basis. It rests upon the false assumption that the interests of employer and employee are by their intrinsic nature absolutely irreconcilable. And it puts the employer in the criminal class, subject to fine and imprisonment for a list of new crimes fastened upon him under legal processes as unjust and unfair as they will certainly turn out to be unconstitutional.

Believing as I do that organized industry is now the chief instrument of civilization, I see small hope for our social future unless employer and employee quit fighting each other and join forces to meet the challenge that confronts them. Under our American system there is only one way to justly distribute wealth, and that is by high wages made possible by high production at low unit cost. Wages and profits must be paid out of production. There is no other source from which they can be derived. And high wages cannot come out of an industry conducted as an armed camp with the vultures of bureaucracy darkening the sky.

The problem of human relationships in industry can never be solved by law, and especially by class legislation which seeks to enthrone one class while it enslaves another. The need of the hour is not more law and more bureaucratic dictators. Our need is an awakened sense of moral obligation among employers and employees and the people generally, which will make fair industrial cooperation possible and leave us all free to act as self-governing, self-respecting American citizens, with faith in ourselves and in each other.

Mr. O'CONNOR. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, if a majority of employers would be as fair to their employees as those who have been mentioned by the gentleman from New Jersey [Mr. EATON], there would be no need for this pending legislation; but, unfortunately, such is not the case. In many instances many honest employers are being misled by propaganda on the part of industry.

I am satisfied that the employers described by the gentleman will not be found among those objecting to this legislation, but they will give it their whole-hearted support and cooperation.

I have in my hand more than 400 letters and telegrams from men protesting against the passage of the bill, and a majority of these men, Mr. Speaker, draw from $50,000 to $100,000 a year in salary as president or as other officers of these corporations. Moreover, many of them draw from $50,000 to $250,000 a year in bonuses. These are the men who are fearful that something will be done that will be helpful and beneficial to the deserving workers of this country.

Mr. Speaker, I feel that if the men who have either wired or written to me had been well informed on this proposed legislation they would not have sent these telegrams and letters; but, unfortunately, the officers of these various manufactories and large corporations, with the organizations and lobbies which they employ, as the gentleman from New York [Mr. O'CONNOR] has stated, to keep their fat jobs, instigate this propaganda. This should be condemned and, for one, I shall continue to resent such activities of these men who are responsible for the thousands of telegrams and letters with which they are endeavoring to influence and browbeat us while we are in the performance of our duties.

As to the constitutionality of this measure, during the 29 years I have been here, every time we have had a bill in the interest of the deserving labor, I have heard the learned lawyers of the Nation raise the question of constitutionality. When I introduced my first bill on workmen's compensation 29 years ago, what a hue and cry was raised against it. The question of its constitutionality was raised then, and, as I have stated, the same question has been raised in every instance with respect to legislation considered on the floor of this House in the interest of the masses and the laboring people of the country.

All this legislation contemplates is the setting up of a labor-relations board that would be helpful in effecting adjustments in disputes among employers and employees. It has been stated, and I know it will be used again on the floor, that the leaders of the American Federation of Labor are dictating this legislation. Some gentlemen resent and give as a reason for opposing this bill the statements of Mr. Green, the president of the American Federation of Labor. Anyway, if this legislation is enacted, it would benefit only about 3,000,000 of the 30,000,000 workers of our country.

Let me say very earnestly to the opponents who are using that as a pretext for opposing this legislation that were it not for the work of the American Federation of Labor, we would still have in this country our workers enslaved 10, 12, and even 14 hours a day at the starvation wage of a dollar a day. The present high status of the workers of America is due to the age-long struggle and accomplishments of, first, the Knights of Labor, and, later, the conservative American Federation of Labor.

The American Federation of Labor has for many years been a benefactor not only of the deserving workers of America but to America herself. That splendid organization, more than any other, has been instrumental in the improvement of living conditions and wages of the labor of this Nation.

If employers and industries have unrestrained right to organize, why should not the same privilege be accorded to the real producers of wealth? Attacks against that splendid organization, the American Federation of Labor, are unfair, unjust, and in many case contemptible.

Anybody who is fair and familiar with the existing condition of labor these distressful times will, if he follows the dictates of his heart and conscience not vote against this generally helpful proposed legislation.

[Here the gavel fell.]

Mr. RANSLEY. Mr. Speaker, I yield the balance of the time on this side to the gentleman from Ohio [Mr. HOLLISTER].

Mr. HOLLISTER. Mr. Speaker, I am opposed to this bill because it purports to do what it cannot do, and we are therefore grossly deceiving many people who are looking to it for help and protection. This bill purports to assure to workers generally freedom from any interference, restraint, or coercion in the forming or joining of labor organizations and in collective bargaining. If the bill actually goes this far it is manifestly unconstitutional, while if it is limited in its operation to those few isolated cases where Congress may perhaps still legislate with respect to such matters without violating the Constitution, it does not give what it purports to give, or what its sponsors claim for it.

There is some question whether even on the narrowest construction the whole bill is not unconstitutional in the light of the decision of the majority of the Supreme Court a few months ago on the Railway Retirement Act. In that case the court said:

> The purpose of the law is not safety, but to give social security to a limited class. Hence, it is not a necessary or appropriate rule or regulation affecting the due fulfillment of the railways' duty to serve the country in interstate transportation.

The present bill makes a great deal out of the alleged advantage to interstate commerce in the setting up of machinery for collective bargaining. The court might hold that such machinery does not increase the efficiency of interstate commerce and therefore Congress may not legislate with respect to it, irrespective of the nature of the company involved in the labor dispute, i. e., whether it is actually engaged in interstate commerce or not.

It is true that the Supreme Court in the case of *Texas & New Orleans Railroad Co.* v. *Brotherhood* (281 U. S. 548) upheld the Railway Labor Act of 1926, in a suit by a labor union to restrain the railroad from interfering with the right of its employees to organize and the designation of representatives for bargaining. The Court in that case, however, distinguished the principle involved from the rules laid down in *Adair* v. *United States* (208 U. S. 161) and *Coppage* v. *Kansas* (236 U. S. 1), which held unconstitutional statutes directed toward regulating the rights of railroads to employ and discharge employees at will. The Texas case is, therefore, of narrow application and is not necessarily authority for the principle that Congress may legislate on all matters covered in the present bill, if the company involved is engaged in interstate commerce or in transactions so affecting interstate commerce as to be as to some matters under the control of Congress.

Another aspect of the case which should be given at least passing consideration is the question of discrimination. If relations between employers and employees are to be regulated, a serious constitutional question is raised if employers are forbidden to do certain things and employees are not so forbidden. It is possible that the Supreme Court might consider this an arbitrary, unreasonable, or capricious use of power by Congress and therefore violative of the due-process clause of the Constitution.

But even if neither of these two possible constitutional objections to the bill are involved, the effect of its operation is so narrow that only in isolated cases of labor disputes could it be invoked. The great mass of labor disputes in the country are, of course, in manufacturing, in the production of raw materials, or in the supplying of services. None of these, outside of the communications industry or the transportation industry, could possibly come under the terms of the act. The Supreme Court has repeatedly held that the business of manufacturing, the business of mining, and the business of supplying intrastate services cannot be held to be in interstate commerce unless the effect on interstate commerce is direct and substantial. The Schechter case, decided on May 27, is, of course, the most recent enunciation of this doctrine. The Supreme Court could have decided that case solely on the question of delegation of authority, but went out of its way to discuss the interstate commerce question, realizing, undoubtedly, that it was well to warn Congress of the limits beyond which it could not go.

The Court asked in its opinion: "Did the defendant's transactions directly 'affect' interstate commerce so as to be subject to Federal regulation?" and then answered its own question as follows:

> In determining how far the Federal Government may go in controlling intrastate transactions upon the ground that they "affect" interstate commerce, there is a necessary and well-established distinction between direct and indirect effects. * * * But where the effect of intrastate transactions upon interstate commerce is merely indirect, such transactions remain within the domain of State power. If the commerce clause were construed to reach all enterprises and transactions which could be said to have an indirect effect upon interstate commerce, the Federal authority would embrace practically all the activities of the people, and the authority of the State over its domestic concerns would exist only by sufferance of the Federal Government.

When proponents of the bill before us are asked for any evidence that Congress has the power to control labor relations in ordinary business, they customarily point to the language of Chief Justice Taft in the *First Coronado case* (259 U. S. 344), as follows:

> If Congress deems certain recurring practices, although not really part of interstate commerce, likely to obstruct, restrain, or burden it, it has power to subject them to national supervision or restraint.

But in the Schechter case the Supreme Court specifically referred to the Coronado cases and pointed out that in those cases there was a combination or conspiracy with the intent of restraining interstate commerce, and that therefore the Antitrust Act was violated. The Court continued:

> But where that intent is absent and the objectives are limited to intrastate activities, the fact that there may be an indirect effect upon interstate commerce does not subject the parties to the Federal statute notwithstanding its broad provisions.

The use of Chief Justice Taft's words in the Coronado case as authority for legislation like the present bill is an example of what Justice Sutherland warned against in the Humphreys case, decided on May 27, last (*Rathbun, Executor,* v. *The United States*), when he quoted Chief Justice Marshall in *Cohens* v. *Virginia* (6 Wheat. 264), as follows:

> It is a maxim not to be disregarded that general expressions, in every opinion, are to be taken in connection with the case in which those expressions are used. If they go beyond the case they may be respected but ought not to control the judgment in a subsequent suit when the very point is presented for decision. The reason of this maxim is obvious. The question actually before the Court is investigated with care, and considered in its full extent. Other principles may serve to illustrate it, are considered in their relation to the case decided, but their possible bearing on all other cases is seldom completely investigated.

Proponents of this legislation also cite *Chicago Board of Trade* v. *Olsen* (262 U. S. 1), and similar cases, as authority for the right of Congress to pass such legislation. But the peculiar authority of that line of cases is also distinguished in the Schechter case, where the court says:

> Hence decisions which deal with a stream of interstate commerce—where goods come to rest within a State temporarily, and are later to go forward in interstate commerce—and with the regulations or transactions involved in that practical continuity of movement, are not applicable here.

As a matter of fact this legislation shows a callous disregard of the repeated warnings which the Supreme Court

has given. It is an outrage to labor to promise what the sponsors of this bill have promised only to find within a year or two, when labor disputes where this act will be invoked finally reach the court of last resort, that Congress went beyond its powers in attempting to include such disputes in this legislation. It is inconceivable that the sponsors of this bill have had proper legal advice, for I am sure that they would not knowingly so mislead their followers.

Is it not wiser to draft legislation on sound legal principles, legislation which can be upheld, rather than arbitrarily pass a bill which has no chance of ultimate validity? The whole tendency of this legislation will be to foment labor trouble, and the heartburnings and disappointments which will ensue when it is found unworkable cannot help but react severely on the whole industrial situation. If we pass this act we are selling labor a gold brick.

What is most desired is friendly relations between capital and labor. Proper wages, hours, and working conditions on the one side, and an ability to earn a reasonable return on the investment on the other. Legislation of this kind, far from accomplishing that desired result, will result only in estranging still further the relations between labor and the employer. The utter futility of the effort to improve conditions by such unsound measures as this should be manifest.

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

Mr. HOLLISTER. I yield.

Mr. CONNERY. The Supreme Court has said time and again, in the Coronado case and in the Stonecutters case, that anything that affects interstate commerce, as far as a labor dispute is concerned, which burdens or obstructs interstate commerce, can be regulated under the commerce clause of the Constitution.

Mr. HOLLISTER. The gentleman is entirely incorrect. The gentleman has quoted the Coronado case and that case is generally quoted by those who sponsor legislation of this sort. The gentleman is thinking of the words of Mr. Chief Justice Taft in that case where he used some general language in discussing solely the question of a conspiracy to stop the flow of interstate commerce, and which has been repeatedly held had nothing whatever to do with anything but the particular case of conspiracy. Both the Coronado cases and the so-called "Stonecutters case", to which the gentleman has referred, dealt with conspiracies and combinations in restraint of trade. If the gentleman will look at the decision of Mr. Justice Sutherland in the Humphreys case, he will see that the Justice pointed out how unwise it is to pick out a part of a decision which is obiter dicta, and has specific reference only to the particular case, and then apply such general remarks to other matters of legislation. [Applause.]

[Here the gavel fell.]

Mr. O'CONNOR. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. GRISWOLD].

Mr. GRISWOLD. Mr. Speaker, it seems that we are being confused over the real object of the bill. We are taking a lot of trouble to find where the act might be unconstitutional. The whole object of the bill, the only object, and the object we should not lose sight of is that in this concentrated business of collective bargaining on the part of business we should also have collective bargaining on the part of the employee.

It is the old war of labor over again.

My correspondence files are full of letters saying that by this bill you will turn over industry to the employees, that by this bill the American Federation of Labor or some labor organization will control industry. Under this bill it is impossible for any labor organization to control anything except the selection of its representatives.

There is not a thing in this bill to provide control, nothing in this act provides for it. Under this bill labor has the right to go to the door of the employer and say, "We are ready to sit around the table and argue this matter out and reason it out with you. If we can reach an adjustment, all well and good; if we cannot, we go back to the old system of dog eat dog, which we have had before."

This bill does not adjust labor disputes; it puts both sides in a position where they can adjust them.

There is much talk about the agitators; and some of you gentlemen who are interested in industry, if you think, you would find that the best way you have of eliminating the agitator and the fighter of your labor organization is through this bill.

The agitator and the fighter was brought into the labor organizations because of one thing—and that is that your industrial leaders would not recognize the right of collective bargaining. Your industrial leaders said, "We will not recognize that right." Then came the labor agitator and the strikes. In the last 6 months of 1934, according to the records of the Labor Relations Board, 74 percent of all strikes owed their origin to a demand for collective bargaining.

Thirty-five years ago that was the type of leader you had. Today you have the reasoning type, because many have recognized the right of collective bargaining. The standard labor organizations have eliminated the agitator, and today they are sitting around the table.

Mr. TAYLOR of Tennessee. Will the gentleman yield?

Mr. GRISWOLD. I yield.

Mr. TAYLOR of Tennessee. Is there anything in this bill to prevent an operator from closing his plant?

Mr. GRISWOLD. There is nothing in the bill to keep an operator from closing his plant. There is nothing in the bill that says you shall reach an agreement—nothing of that sort. It simply provides that labor may bargain collectively. The bill does not fix hours, wages, or working conditions, nor does it allow any Government agency to do so. The bill does not require any employee to join any labor organization. Nothing in the bill compels any employer to make any agreement about anything pertaining to wages, hours, or working conditions in any plant any place.

The bill does provide the manner and method by which employees may select their representatives for the purpose of collective bargaining. Beyond this the bill does not go.

Gentlemen here say they favor the principle of collective bargaining, but they oppose the only means by which collective bargaining can be established. It is like saying, "We believe you should be free, but try and get free."

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

Mr. GRISWOLD. Yes.

Mr. FOCHT. We will agree with that. We all have been for labor for all these years, but we find in this bill an inhibition on the employer to have any such operation as a lock-out, while we find in the winding up of the bill there is nothing to interfere with strikes. Why cannot we get them together and have no lock-outs and no strikes? Otherwise you will have nothing but strikes.

Mr. GRISWOLD. I would be pleased if the gentleman could in some way fix this bill so that we could reach the millennium, a system of brotherhood, so that we would have neither lock-outs nor strikes.

Mr. FOCHT. Why, they have been claiming the millennium on the gentleman's side all of these weeks and months, and by this time you ought to have it worked out.

Mr. GRISWOLD. I suggest to the gentleman that if we have 12 years to work it out, as the gentleman's side did, we will certainly make a better success of it than his side has. [Laughter and applause.]

To get back to the bill. The only inhibition against the employer is that he shall not dominate an organization of his employees. He cannot rent a hall or make a contribution to a union. And this applies whether the union be an American Federation union, a company union, a fraternal brotherhood of employees, or a mugwump union. He cannot buy candy for company-union members nor at his own expense throw a dance for the daughters, and in return expect to get a lengthening of hours or reduction of pay.

And last, but important, domestic and farm labor is specifically exempt.

Mr. CONNERY. Mr. Speaker, I yield the remainder of my time to the gentleman from Indiana [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Speaker, I trust this rule will be adopted and that this bill will become legislation. It is one of the principal measures of the administration program. It recognizes the right of labor to form unions and have collective bargaining by representatives of their own choosing. It recognizes equality around the conference table, not only of the corporation which is a creature of the law to be represented, but also for labor to be likewise represented by organization and by their representatives. It recognizes not only the theory of collective bargaining, but it goes further and provides that where collective bargaining exists there should also be collective responsibility. In dealing with a group of laboring men you deal with representatives of their own choosing, and, when an agreement is reached, you have then an agency set up whereby you can go to that organization through their representatives and insist on the agreement being kept. This is being done with the railroads. It has been done in the coal-mining operations through the United Mine Workers, who have entered into agreements for periods as long as 3 years. I have known instances where local unions would attempt to interpret the contracts themselves, but the leaders and officers of that union would go to that local union and show wherein they were in error, that they had no right to offer an interpretation over their organization, and they were made to go back to work because they were in error. If we are going to deal with labor on the basis of equality, then it must be through a responsible organization with the leaders of their own choosing. Then, when an agreement is reached, you have an agency set up whereby it can be enforced.

There is nothing, in my opinion, in this bill which will destroy State sovereignty. There are certain problems which we all recognize are Nation-wide and which must be dealt with, not according to State lines but according to national lines. If the States could solve these problems of strikes and lock-outs and controversies in industry, which are more than State-wide, they would have done it. They have had an opportunity for all these many years to set up such an agency, but we all know that these controversies are national in character. The agency set up in this bill will preserve rights of both labor and capital. It will assist without compulsion the amicable adjustment of labor disputes. These controversies are Nation-wide in effect, and society has rights of commerce to be protected and preserved. The general results of this measure will promote economic peace and security. As the railroad labor disputes bill has preserved peace and mutual understanding in rail transportation, this measure will extend better understanding to other industries that affect commerce generally. The bill is a step in the right direction. It possesses a procedure for equity and better labor relations.

The SPEAKER. The time of the gentleman from Indiana has expired. All time has expired. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. CONNERY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 1958, 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.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 1958, with Mr. ARNOLD in the chair.

The Clerk reported the title of the bill.

Mr. CONNERY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CONNERY. Mr. Chairman, I ask unanimous consent, while in Committee of the Whole House on the state of the Union, that all members who speak in Committee have 5 legislative days in which to revise and extend their remarks, and I give notice that I shall make a similar request for all Members when we get back in the House.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CONNERY. Mr. Chairman, I yield 10 minutes to myself. First of all, I want to make it clear to the House that under the rule whereby we have 3 hours' general debate, which would give Mr. WELCH, of California, the ranking Republican member of the Labor Committee, an hour and a half on his side and an hour and a half on our side, to be controlled by myself, we have reached an agreement to divide up the time equally between the proponents and opponents of the bill.

The whole story in this bill from our viewpoint, from the point of view of the Committee on Labor, and the point of view of the Senate when it passed the bill, is to bring about industrial peace, peace between capital and labor.

All the propaganda that has been aroused against this bill, which you have been receiving in your mail, in your telegrams, attempts to set up a smoke screen that the passage of this bill will mean strikes; that it will mean unrest; that it will turn over business to the American Federation of Labor; that it will turn the country over to the labor unions of the United States.

Nothing could be further from the truth. What this bill means to do, and what the members of the Committee on Labor believe it will do, will be to stop strikes; it will stop unrest; it will stop labor disputes in the United States.

Two years ago, when we passed the National Industrial Recover Act, we passed section 7 (a) as a part of that bill. There was not any fight on section 7 (a) either in the House or in the Senate.

It passed by a great majority. Section 7 (a) set out the rights of labor to bargain collectively, through representatives of their own choosing. All the Wagner-Connery bill, which is before you today, does is to see that this Board which had the enforcing of section 7 (a) is given the power to enforce what we wrote into that section when we passed the N. I. R. A. bill in this House.

Mr. TARVER. Will the gentleman yield?

Mr. CONNERY. Yes; I yield.

Mr. TARVER. The National Industrial Recovery Act has been extended except with regard to the provision for the enforcement of codes. If all this provides is an extension of 7 (a), why is it not taken care of in the extension?

Mr. CONNERY. I did not say that that is all it was. I said this gives the Board the power to enforce what we wrote into section 7 (a) when we wrote the National Industrial Recovery Act.

Under section 7 (a) of the National Industrial Recovery Act and Resolution No. 44 that was passed in the closing days of the last session of Congress, presumably this Board had the power to do something about these labor disputes. They would come in, make a decision, what we think was a fair and just decision—for instance, in the automobile case, in the shoe case, in the textile case, and different cases which came to their attention—but that is all they could do. They could just come in and make an investigation, but they had no power of enforcement, because Resolution No. 44 was innocuous; it had no teeth; it did not give them any power. So much so that all they could do was to turn over the results of their investigation to the Department of Justice or to the N. R. A. Compliance Board. The Department of Justice would have to start in all over again, get new evidence, start the case all over again, and then proceed.

In 3 years we have only had four cases of noncompliance with this resolution brought up before the courts of the United States, and no decision on any of them as yet. All that the N. R. A. Board could do was to take away the Blue Eagle, and that meant practically nothing to offenders. So that all we are asking by this bill is to guarantee to labor the same rights that we gave them in section 7 (a) of the National Industrial Recovery Act, namely, the power to bargain collectively through representatives of their own

choosing. That power to bargain collectively through representatives of their own choosing has been upheld time and time again by the Supreme Court in its constitutional aspects. As far as the constitutional aspect of this bill is concerned, there is the Coronado case and there is the Bedford Stonecutters' case. We have heard a lot of talk about intrastate commerce and interstate commerce.

First of all in the Coronado case, the coal was not even mined, it had not started to be mined, it had not gotten to the surface, it was still in the mine, and had not begun its interstate-commerce journey, and they had a strike in the mine, and the Federal court issued an injunction against the district leaders of that union who struck in that mine, and under the antitrust laws they said, "You have no right to strike in that mine. We are issuing an injunction against your striking, because by this strike you are burdening interstate commerce, you are interfering with the free flow of interstate commerce."

In the Bedford Stonecutters' case there was a stone quarry in Indiana. The stone was shipped to New York. It was dumped on the ground. Interstate commerce had ended apparently. The workers who were to put up the building with that stone in New York said, "We will not work on it because it came from a nonunion quarry in Indiana." The court issued an injunction against the leaders of that strike and said, "You cannot strike. Your strike is illegal. It is unlawful, because by striking you are interfering with the free flow of interstate commerce. You are obstructing interstate commerce."

The Wagner-Connery bill is built upon those decisions of the Supreme Court which say that a labor dispute, a strike which interferes with the free flow of interstate commerce, is subject to regulation by the Congress of the United States under its interstate-commerce powers. So we do not have any worries or any fears about the constitutionality of this bill.

There are certain unfair labor practices set out in this bill, saying that it shall be unlawful for the employer to finance any union. That does not mean just a company union. It means any union. It means the American Federation of Labor union or any other union that we can think of. It stops him from interfering with his workers in their rights to bargain collectively. I will just read those provisions. They are short:

SEC. 8. It shall be an unfair labor practice for an employer—

(1) to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 7.

(2) To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it: *Provided*, That subject to rules and regulations made and published by the Board pursuant to section 6 (a), an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay.

(3) By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization: *Provided*, That nothing in this act, or in the National Industrial Recovery Act (U. S. C., Supp. VII, title 15, secs. 701–712), as amended from time to time, or in any code or agreement approved or prescribed thereunder, or in any other statute of the United States, shall preclude an employer from making an agreement with a labor organization (not established, maintained, or assisted by any action defined in this act as an unfair labor practice) to require as a condition of employment membership therein, if such labor organization is the representative of the employees as provided in section 9 (a), in the appropriate collective-bargaining unit covered by such agreement when made.

(4) To discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this act.

(5) To refuse to bargain collectively with the representatives of his employees, subject to the provisions of section 9 (a).

Those are the unfair labor practices. As my colleague, the gentleman from New York [Mr. O'CONNOR], said in his brilliant speech today, what about the national trade associations? The employers' associations—they can bargain collectively among themselves. Nobody steps in and says that they cannot organize. Nobody stepped in when they came down to write the codes of the National Industrial Recovery Act, and said to them that they had no right to organize and bring all their tradesmen down, their representatives of their organizations, to fix prices and take care of their own interests, and in those codes exploit the workers. No indeed! Antitrust acts did not apply to them. The antitrust laws were only invoked to enjoin workers from striking on the grounds that they were interfering with the free flow of interstate commerce. Well, what is sauce for the goose is sauce for the gander, and it is about time that we begin to realize that labor disputes do not originate with the workers but 99 times out of 100 begin by the employer exploiting his workers by starvation wages and long, inhuman hours of work.

Nobody raised a finger against that, but when labor comes in and says that all we want is the right to go into a booth in a factory and, with no interference by an employer, with no interference by our foreman, write down on a piece of paper whether we want a union of our own choosing, whether we want a company union, whether we want no union at all, that is a different matter. A great cry goes up that we are oppressing the employees.

Mr. FLETCHER. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. I promised to yield first to the gentleman from Georgia [Mr. TARVER]. Then I shall be pleased to yield to my friend from Ohio.

[Here the gavel fell.]

Mr. CONNERY. Mr. Chairman, I yield myself 5 additional minutes.

Mr. TARVER. I am sincerely desirous of ascertaining the gentleman's position. As I understand it, the gentleman takes the position that strikes interfere with interstate commerce; therefore, anything which has a tendency to bring about a strike is proper subject for congressional legislation. That would include disputes about hours of labor, wages, and working conditions, things which the Supreme Court has just expressly said in the Schechter case we cannot regulate in an intrastate industry such as manufacturing. The gentleman's position, therefore, is necessarily directly opposed to the decision of the Supreme Court in the Schechter case.

Mr. CONNERY. No; I do not agree with the gentleman. The Supreme Court has said time and time again, not in 5-to-4 decisions, not in any other close decision, but by unanimous decisions that labor disputes which interfere with interstate commerce are subject to regulation by the Congress of the United States.

Mr. TARVER. And in the Schechter case the Supreme Court cited the Coronado Mining case which the gentleman from Massachusetts has made his leading case, and pointed out that the reasoning of the Coronado decision could not be used to justify an attempt by Congress to regulate conditions of employment in manufacture, mining, or any other intrastate business.

Mr. CONNERY. But I would call the gentleman's attention to the fact that the Schechter case dealt entirely with intrastate commerce. We are dealing in the bill before us with interstate commerce.

Mr. FLETCHER. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. I yield.

Mr. FLETCHER. It has been the practice of employers to bring in thugs, gunmen, and strikebreakers to stop strikes.

Mr. CONNERY. Yes.

Mr. FLETCHER. Is there anything in this legislation which will prevent them from bringing in strikebreakers?

Mr. CONNERY. I do not think there is. The employers' rights under the law will be just as strong and secure after the passage of this act as they were before. There are State laws as well as another Federal law which we passed last year to punish thugs and others who come in to break strikes unlawfully.

The gentleman and I may be entirely opposed to calling out the National Guard, but there is nothing in the bill that will stop calling out the National Guard, there is nothing in the bill that will stop employers from bringing in thugs, as I interpret the measure; but the employer may not finance a union, he may not interfere with the formation of a union, may not fire a man because he organizes a union or joins a union; and the employer cannot do as the

New England Telephone & Telegraph Co. did when it brought 30 or 40 girls to testify at a code hearing in the old House Office Building here in Washington, paying their expenses in hotels here, and bringing them before the code hearing to break up a lawful union of girls who had given their time and their best honest efforts to the formation of a union seeking decent hours and decent wages.

The New England Telephone & Telegraph Co. brought these company-union girls before the code hearing to say how much they loved the New England Telephone Co., how nice the company was to them, that it took them on picnics and gave them a nice trip to Washington, but they did not say anything about how low their wages were and how long their hours at the switchboard were.

We are trying to give to the men and women of the United States the right to be free American citizens, to go about and say, "I am master of my soul, I am not an industrial slave. I do not have to stand for any employer hiring a stool pigeon to work alongside of me to break up my union, and I am free to organize to get decent living wages to take care of my wife and my children." That is what this bill is for.

Mr. FLETCHER. Mr. Chairman, if the gentleman will yield, there have been cases where employers have brought outsiders, strikebreakers, and thugs in to foment strikes in competitors' plants.

Mr. CONNERY. Yes; provocateurs, as the French call them.

Mr. FLETCHER. Likewise, they bring in men from the outside and allow them to destroy their own property and stir up their own men to strike.

Mr. CONNERY. Yes.

Mr. FLETCHER. Is there anything in this bill that will stop such practices?

Mr. CONNERY. I do not think there is, directly or indirectly, but there is on the Federal statute books an act for the protection of commerce from that sort of interference, which was enacted on June 18, 1934. Among other things, that act states:

That the term "trade or commerce", as used herein, is defined to mean trade or commerce between any State, with foreign nations, in the District of Columbia, in any Territory of the United States, between any such Territory or the District of Columbia, and any State or other Territory, and all other trade or commerce over which the United States has constitutional jurisdiction.

SEC. 2. Any person who, in connection with or in relation to any act in any way or in any degree affecting trade or commerce or any article or commodity moving or about to move in trade or commerce—

(a) Obtains or attempts to obtain, by the use of or attempt to use or threat to use force, violence, or coercion, the payment of money or other valuable considerations, or the purchase or rental of property or protective services, not including, however, the payment of wages by a bona fide employer to a bona fide employee; or

(b) Obtains the property of another, with his consent, induced by wrongful use of force or fear, or under color of official right; or

(c) Commits or threatens to commit an act of physical violence or physical injury to a person or property in furtherance of a plan or purpose to violate sections (a) or (b); or

(d) Conspires or acts concertedly with any other person or persons to commit any of the foregoing acts;

shall, upon conviction thereof, be guilty of a felony and shall be punished by imprisonment from 1 to 10 years or by a fine of $10,000, or both.

SEC. 3. (a) As used in this act the term "wrongful" means in violation of the criminal laws of the United States or of any State or Territory.

(b) The terms "property", "money", or "valuable considerations", used herein shall not be deemed to include wages paid by a bona fide employer to a bona fide employee.

SEC. 4. Prosecutions under this act shall be commenced only upon the express direction of the Attorney General of the United States.

SEC. 5. If any provisions of this act or the application thereof to any person or circumstance is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 6. Any person charged with violating this act may be prosecuted in any district in which any part of the offense has been committed by him or by his actual associates participating with him in the offense or by his fellow conspirators: *Provided*, That no court of the United States shall construe or apply any of the provisions of this act in such manner as to impair, diminish, or in any manner affect the rights of bona fide labor organizations in lawfully carrying out the legitimate objects thereof, as such rights are expressed in existing statutes of the United States.

That statute takes care of such situations.

Mr. WOOD. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. I yield.

Mr. WOOD. The gentleman just said that he did not think in the case of employers adopting the practice of bringing in thugs and gunmen to foment strikes this law would act as a deterrent, but I would remind the gentleman that such acts under this law would be construed as unfair labor practices.

Mr. CONNERY. Yes; that is what I meant by an indirect remedy. I think that would be considered an unfair labor practice.

[Here the gavel fell.]

Mr. CONNERY. Mr. Chairman, I yield myself 2 additional minutes.

Mr. MITCHELL of Tennessee. I know the gentleman is thoroughly familiar with this bill. I would like to ask the gentleman if he will give me the actual mechanics of the bill in connection with its operation. Assume that down in my State, Tennessee, we have a disagreement with organized labor. We will take the case of a little man operating a factory, say, with 50 workmen and they have a disagreement. Perhaps I should grasp this, but I have not been able to get it. Will the gentleman tell me just what the steps would be, assuming that they disagreed?

Mr. CONNERY. First of all, let us assume that my friend from Tennessee is the boss and I am the employee. I want to form a union of the men working in your factory. I start on this and get all the boys together and we form a union. We ask you to let us have an election day to form this union. You say: "No, I will not let you do that." Right away I have a remedy. I go to the National Labor Relations Board. They call you in and say: "Will you not allow these men to have an election free from interference?" You say, "No." They say, "Very well. We order you to have an election." That is the first thing. Then you say: "I am not going to pay any attention to that." Then the board petitions the Federal circuit court of appeals and tells them: "This employer will not agree to have an election." The court then orders you to hold an election, and if you do not comply with their order the court cites you for contempt.

Mr. MITCHELL of Tennessee. The gentleman does not get what is in my mind. We will assume that the men are organized and that this is a going concern. Let us assume the union is already perfected and organized and that they fail to agree on a wage scale among themselves.

Mr. CONNERY. Fifty-one percent of the membership are sufficient to carry a plan. The representatives of those men will deal with the employer collectively. They sit down with you and deal with you collectively across the table.

[Here the gavel fell.]

Mr. CONNERY. Mr. Chairman, I yield myself 5 additional minutes.

Mr. MITCHELL of Tennessee. I should like the gentleman to understand the situation.

Mr. CONNERY. The gentleman may say: "I will not give you the 10 cents an hour increase you ask." There is nothing they can do then. Nobody asks that you be made to give them the 10 cents an hour. This bill just compels you to deal with the men collectively. You must sit across the table and talk things over with them.

Mr. MITCHELL of Tennessee. Could they shut down the mill during the time the negotiations were going on?

Mr. CONNERY. No; unless they went on strike. Or they could keep working.

Mr. MITCHELL of Tennessee. Is it necessary to come next to Washington before this Labor Board or is there some jurisdiction down there?

Mr. CONNERY. They will have separate subsidiary boards situated in the gentleman's State and all over the country.

Mr. MITCHELL of Tennessee. Is it contemplated in this bill that these things may be adjudicated in our respective States with a last appeal filed here before the Labor Board in Washington?

Mr. CONNERY. You can do that anyway. There is a conciliation department in the Department of Labor and their job is to go down there and fix things up without going to the National Labor Relations Board at all. This bill only applies where some employer says: "I will not deal with the employees" or, "I am going to fire this man because he tried to organize my plant", or for the violation of any one of these unfair labor practices. The conciliation department of the Department of Labor is an entirely separate organization. In the case of disagreement they would go in and try to fix up the trouble with your employees.

Mr. MITCHELL of Tennessee. This would be done locally?

Mr. CONNERY. Yes.

Mr. HAMLIN. Will the gentleman yield?

Mr. CONNERY. I yield to the gentleman from Maine.

Mr. HAMLIN. I do not want to be understood by my question as opposing this bill, because I am in favor of it, and I am in favor of laboring people. I have received a great many letters from employers in western Maine who beg me not to support this bill. Can the gentleman give me a reason or two why they should logically ask me to oppose this bill?

Mr. CONNERY. I can give my friend from Maine plenty of reasons. One of the reasons is the natural desire of a man who is an employer and who makes a lot of money allowing the power to go to his head. He will say, "I will do this if I feel like doing it, but nobody is going to tell me how to run my business. They are not going to interfere with my business"; yet he will go down to his trade association and insist that the majority must rule in anything which is for his interest. If there is only a difference of 1 vote, the majority must rule in reference to his interest. I could tell my friend many other reasons why employers selfishly oppose this bill but my time for debate is short.

Mr. Chairman, I have dealt with employers and employees. I have been an employer myself. I ran my own theater at one time and I hired men. I hired actors, actresses, orchestras, and stage hands. I had them work for me. I have been employed in the factory of one of America's best-known corporations, the General Electric Co., as well, so I think I can see both sides of the question. When labor is spoken of in this bill, we are not talking about the American Federation of Labor or any other particular union. We are talking about all the working people of the country. We say that we want all workers to have the right to bargain collectively. We want them to have the right to go to the employer and ask: "Do you not think we ought to get this wage?" We do not want the employer to be able to fire a man because he stands up and says: "Let us get together for our own protection and for the protection of our families, to get short hours and decent wages. Let us form a union." That is all there is in this bill.

Mr. TAYLOR of South Carolina. Will the gentleman yield?

Mr. CONNERY. I yield to the gentleman from South Carolina.

Mr. TAYLOR of South Carolina. I know of no one who objects to the principle of collective bargaining as the gentleman has announced, but there is something in here I should like to ask the gentleman about because he knows more about this matter than anyone else. I am reading now from subsection 3 of section 2 on page 3:

> The term employee shall include any employee and shall not be limited to the employees of any particular employer.

Mr. CONNERY. I know what the gentleman means.

Mr. TAYLOR of South Carolina. Does that mean that every man on a pay roll has it within his own right or privilege to join whatever labor union he wants to at that plant?

Mr. CONNERY. Yes. Let us take the case of a machinists' union. One employer on this side of the street has a machinists' union and the man across the street has a machinists' union and the man in your factory and the man across the street belong to one union.

Mr. TAYLOR of South Carolina. Let us go a step further. Suppose in Lynn, Mass., they had 10 cotton mills, 1 being an Anderson mill, another Equinox mill, and so on down the line. Suppose that the employees of one drove a pretty good bargain with their employer and the employees of the other establishments did not drive such a good bargain with their employers. When it got around to the final analysis all of them had driven a bargain and there would appear to be a differential in the wages of about 40 percent.

Does the Board have the right to adjust that difference among those men by making all the employers one group and all the employees of the several mills another group?

Mr. CONNERY. No; the employees can go into any organization they want. If you are an employer and the men in your plant want to form a union and call it the "National Union" and deal with you, they can do so and have nothing to do with any organization outside. If on the other hand they want to join a machinists' union in your plant and affiliate with another union connected with the American Federation of Labor, they can do that.

Mr. TAYLOR of South Carolina. If that unit wishes to bargain with the employer, they would be tied up with the American Federation of Labor who would name the man to go in there and also that same department in another plant would be tied up with the American Federation of Labor and so on with respect to all 10 plants in Lynn, Mass.

Mr. CONNERY. They would all belong to one big union; but, of course, your wages would be the same in each plant, because the federation, through its representatives by collective bargaining, would insist on that equality for all the plants doing the same kind of work.

Mr. TAYLOR of South Carolina. This bill provides that the employer can have nothing to do with the union. Beginning at the top scale of the pay roll, at what point would you segregate them and say to one that he belongs to the employer class and to another that he belongs to the employee class?

Mr. CONNERY. They have not had any difficulty about that in any of the boards. The Federal Trade Commission or any other Federal board never had any trouble finding out who was an employer or an employee.

Mr. TAYLOR of South Carolina. Does the man in the boiler room or on the yard, however insignificant his job may be, have the right, in his own right, to join a union so that the boys on the inside cannot ballot against him and keep him out?

Mr. CONNERY. Of course, he will have his chance to go in and vote with all the rest of the people in the plant. The Board can declare what unit is the unit in that plant.

Mr. TAYLOR of South Carolina. That is not the point I have in mind right now. Can every individual on that pay roll, it makes no difference who he is, demand the right to go in and join a particular union in that plant?

Mr. CONNERY. Yes.

Mr. TAYLOR of South Carolina. And none of his fellow workmen can keep him out?

Mr. CONNERY. They cannot interfere with him at all. We have had a practical sample of that in the case of the General Electric Co. in Lynn. They had an election of that sort, and they do not belong to the American Federation of Labor, and they have their own union.

Mr. WOOD. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. I yield.

Mr. WOOD. They have the right to join the union; but if the rest of the employees in that plant form an organization, they do not have to take that man in if they do not want to.

Mr. TAYLOR of South Carolina. That is what I was trying to get at.

Mr. WOOD. No more than they would have to do so in the present situation. This bill does not compel any group to take in somebody they do not want to take in.

Mr. TAYLOR of South Carolina. What would become of that man? If the majority group should establish a closed-shop agreement with the employer, what would become of this man who knocked at the door and could not get in?

Mr. CONNERY. He can get in.

Mr. TAYLOR of South Carolina. The gentleman from Missouri says he cannot.

Mr. CONNERY. There is nothing to keep him out. For instance, in the case I have referred to, they had three or four different questions on the ballot: Do you want an independent union, do you want a company union, do you want this or that, and they voted without any interference from the employers or anybody else. They voted in this case for an independent union of their own. They had, I think, 80 or 90 percent of the plant who voted to come into the union and the representatives which this 90 percent elected do the collective bargaining with the company.

Mr. TAYLOR of South Carolina. I understand that.

Mr. CONNERY. I do not think you need worry about that situation. The man to whom you refer would join the union and even if he did not he would get union wages, because the men bargaining collectively would bargain for everyone in the plant.

Mr. TAYLOR of South Carolina. I want to know what becomes of the individual who goes up to the union and knocks and says, "I want to become a member", and they ballot among themselves and say he cannot become a member. This being the majority group, they go out to the office and bargain with the employer and effect a closed-shop agreement and then this man who is denied membership, in effect, is legislated out of employment by this bill.

Mr. CONNERY. Oh, no; I do not agree with the gentleman about that. In the first place, the man would join the union, and, second, no employer can be forced to make a closed-shop agreement.

Mr. TAYLOR of South Carolina. Will you indulge me a little further?

Mr. CONNERY. I should like to, but I have all these other colleagues to whom I should like to yield and I am afraid I am taking up too much time.

Mr. CHRISTIANSON. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. I yield to the gentleman from Minnesota.

Mr. CHRISTIANSON. The object of collective bargaining, of course, is to reach an agreement. Is there anything in this bill which would make it possible to enforce an agreement as to either party to a controversy?

Mr. CONNERY. The gentleman means in the bargaining itself? In other words, can you make the employer give an increase in wages?

Mr. CHRISTIANSON. Yes; or can you bind the employee?

Mr. CONNERY. No.

[Here the gavel fell.]

Mr. CONNERY. Mr. Chairman, I yield myself 1 additional minute, and may I make this statement to my colleague to clarify the situation? I have 45 minutes for those who are in favor of this bill and 45 minutes for those who are against the bill. I have consumed 28 minutes. It is not fair to my colleagues who want to talk on this bill for me to use further time. I should love to talk with you for an hour, but it would not be fair to my colleagues. Under the 5-minute rule I shall try to yield further.

Mr. EKWALL. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. I yield.

Mr. EKWALL. Under this bill is it not a fact that they can still have company unions not affiliated with any other union?

Mr. CONNERY. If the employees want to have a company union in any plant and they vote for a company union, they can have it.

[Here the gavel fell.]

Mr. CONNERY. Mr. Chairman, I yield myself 1 more minute.

Mr. EKWALL. Will the gentleman yield?

Mr. CONNERY. Yes.

Mr. EKWALL. Suppose 51 percent of the employees go into the American Federation of Labor and 51 percent vote to go on a strike, does that affect the other 49 percent?

Mr. CONNERY. You are not dealing with strikes in this bill you are dealing with adjustments to prevent strikes.

Mr. EKWALL. Most of the letters that I receive from employers claim that it will make more strikes, and I would like to have your view as to this because this is a most important consideration.

Mr. CONNERY. Well, they are crying before they are hurt, and I believe in a few years they will feel that the best thing that ever happened to them was the passage of this bill to do away with strikes and labor disputes.

Mr. HARTLEY. Will the gentleman yield?

Mr. CONNERY. Yes.

Mr. HARTLEY. I am in favor of section 7 of this act, but I want to ask the gentleman a question. Section 8 says that it shall be unfair labor practice to interfere with, restrain, or coerce employees in the exercise of the right guaranteed in section 7.

Mr. CONNERY. I know what my friend is going to say. If you accept the Tydings amendment you might as well throw this bill out of the window. Some courts have interpreted the word "coerce" in labor disputes so that you cannot ask a man to join a union, you cannot say that he shall join a union, you cannot threaten to strike, you cannot picket, you cannot circularize banners, you can hardly breathe. That is the weapon of the strike breaker, the weapon of the selfish employer that Congress outlawed in the Norris-LaGuardia Act.

Mr. HALLECK. Will the gentleman yield?

Mr. CONNERY. I yield to the gentleman.

Mr. HALLECK. The gentleman from Tennessee referred to a factory employing 50 people, manufacturing a product sold entirely within the confines of Tennessee. Is it the idea of the gentleman that this act would assume jurisdiction in such a case?

Mr. CONNERY. I doubt whether the Board could go in there unless it affected interstate commerce.

Mr. HALLECK. Why does not the bill provide for that?

Mr. MOTT. Will the gentleman yield?

Mr. CONNERY. I yield to the gentleman.

Mr. MOTT. Why do you not state in the bill that this shall only apply to interstate commerce?

Mr. CONNERY. Because the court is to decide as to where commerce begins and ends and just what affects commerce, and decide each case on the facts of that case.

Mr. MOTT. If you take out the preamble of the bill there is no limitation of jurisdiction, nothing about interstate commerce, and nothing about industry that affects interstate commerce.

Mr. CONNERY. I think the gentleman will find two or three places in the bill where commerce is directly mentioned. On page 7, subsection 7, the term "affecting commerce" is particularly defined.

Mr. MOTT. Not in a way that will limit it to interstate commerce.

Mr. MARCANTONIO. Section 9 of the bill provides that—

Whenever a question affecting commerce arises concerning the representation of employees—

And so forth.

Mr. MOTT. What has that to do with unfair practices? If you do not intend to make it universal, why not limit it in language?

Mr. ELLENBOGEN. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. Yes.

Mr. ELLENBOGEN. I call the gentleman's attention to the fact that in section 6, page 6, commerce is defined as "commerce between the States", and on page 7 we find the language:

Labor dispute burdening or obstructing commerce—

And so forth.

Mr. MOTT. Oh, that is true. That is a definition of commerce, but then turn to section 8, where the bill pre-

scribes what shall be an unfair practice, and show me in section 8 any limitation whatever. Show me why under section 8 this would not apply to the printing business in a small town in the center of a State.

Mr. ELLENBOGEN. If the gentleman will turn to page 14, line 23——

Mr. CONNERY. If the gentleman will permit me to conclude, I have taken up too much time already.

Mr. ELLENBOGEN. Give me half a minute.

Mr. CONNERY. The gentleman will have time under the 5-minute rule. I want to be fair to both sides. So I say in conclusion I wish I had much longer time so that I could yield to all my colleagues who desire to question me. I shall be glad to answer any question in my power. I hope when we get to the 5-minute rule, you will vote down all amendments. I hope you will vote this bill as it is, as reported to you today by the Committee on Labor, with two amendments which I shall offer, one to protect free speech, and the other in regard to making provision for the continuance of the Board between last Sunday, when, except for an Executive order, the Board would go out of existence under Resolution 44, and the time until the bill is passed and signed by the President. Except for those two amendments, I hope the House will vote down every other amendment except the committee amendments, because this is the bill in the form that the President of the United States wants it now, and may I say that with the passage of this bill and its signature by the President labor will owe an everlasting debt of gratitude to President Franklin Delano Roosevelt for his insistence in demanding that Congress do justice to the toiling masses of America by passing now this great humanitarian piece of legislation, which, to my mind, will mean peace between capital and labor, better living conditions, better wages, and a place in the sun for America's workers. All honor to the President of the United States! [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WELCH. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Chairman, I might preface my remarks first by stating that before I came to Congress I had been a manufacturer all of my business life, and I have employed labor and do now employ labor. During the time of my sojourn in business I never suffered a labor strike. Probably I am not the best employer of labor, and for that reason I do not believe that I am the worst. My only object in considering this bill is to try to do more for labor. I am just as much interested in seeing that labor has its just due as any man in the House. I feel no business concern can succeed today—nor could it succeed formerly, within the last 25 years or more—if labor and capital did not work hand in hand. We can say, as laborers or as manufacturers, we ought to believe in the Golden Rule, and all the laws that we might pass will never take the place of that law of Him who rules supreme above.

I cannot conform to all of the things suggested in this bill because of the fact that I believe as the bill is drawn today it will cause us to see more strikes in the next 2 or 3 years than we have ever seen in the history of this country, and Members of Congress know that in the past 2 years we have had more strikes than we have ever had in the history of the country.

Mr. GRISWOLD. Mr. Chairman, will the gentleman yield?

Mr. RICH. I do not intend to yield to anyone until I have finished my statement, and then, if I have time, I shall yield principally to those who are labor-union men or who represent the labor unions in the House.

If an employee must be left free to join a union, so should he be left free not to join a union. There are rights of the employees and there are rights of the employers, and all of those rights must be considered if we are going to pass legislation that will eliminate strikes and make conditions in the country better for the employer and for the employee; because, as I said before, labor and capital are inseparable. They must work together. The majority of business men are honest and are striving to do the thing that is best for labor and for their business, and if the politicians make such laws that radicals and intimidators are permitted under laws, to close industry, foment strikes, then greater harm than good will be done, men will be put out of jobs instead of employed, industry will be closed rather than operated.

I am not a lawyer. I cannot, therefore, speak of the quality of this act with legal authority, but I have read and listened to authoritative argument to which the committee of this House has paid little attention. They convince me that the measure before us is in deadly conflict with the decision of the Supreme Court in the Poultry case and the long line of cases that led up to that declaration. If I am not a student of common law, I, at least, have some common sense. I understand the difference between the power of Congress to regulate intercourse between the States, which we call the commerce power, and the prohibition against any attempt by Congress to regulate production within the States. I know that the power to regulate commerce extends to the persons engaged in that commerce and the instrumentalities of that commerce, like interstate railroads, telephones, and ships. I know the difference between regulating the relations between employer and employee in carrying on interstate communication on a railroad or a telephone company, or a ship, and undertaking to regulate the employment relations of the parties who are engaged in building engines or making telephones or putting a ship together. I can see that one is a regulation of commerce and the other is a regulation of production.

I know the Supreme Court, in the Poultry case, said in very clear language that—

> Persons employed in slaughtering and selling in local trade are not employed in interstate commerce. Their hours and wages have no direct relation to interstate commerce.

I know that means that Congress cannot regulate the hours or wages or working conditions of a man engaged in plucking poultry or making shoes or manufacturing furniture, even though, after the job is finished, in each case the goods might be shipped in interstate commerce. For the same reason, it is just as clear to me that a dispute between employer and employee about plucking poultry or making the shoes, or the furniture, is a dispute not in commerce but in production, and you cannot make it a part of commerce by saying it is or declaring that it affects commerce by using a lot of words to that effect, when, as a matter of fact, as the Supreme Court has so plainly said, as of other acts, the relations of employer and employee engaged in manufacture or local service may remotely and indirectly affect it.

I know that it is equally true that for years, whenever there was a local strike that shut down a plant, in whole or part, that any attempt to bring an injunction against the strikers, because they were restraining production and therefore restraining commerce, was denied by the Federal courts, and it was the unions who raised this issue. And I know that the Supreme Court sustained their view and, in the poultry case, the Court recites these very cases and says that—

> This principle frequently has been applied in litigation growing out of labor disputes.

Of course, if all the miners in the United States quit work together in order to deprive the Nation of fuel, their purpose being to stop all its commerce, we would have a very different situation. We would have just such a one as confronted Woodrow Wilson, in 1919, when the same President of the United Mine Workers threatened the country with a general strike, just as they do today, unless we enact the Guffey bill. Then President Wilson, addressing this Congress, October 27, 1919, said:

> This strike is not only unjustified; it is unlawful.

And to protect the people of the United States he proceeded to stop it. There was a different conception of the public interest in the White House then.

I speak of this to call the attention of the House to the difference between any kind of a combination whose purpose is to tie up or obstruct the commerce of the United

States and the attempt to make every petty dispute between an employer and an employee in local production the ground for a complaint to a Federal board. Surely no Member of this House who has regard for the oath which he took to support the Constitution can fail to have a doubt as to the validity of this legislation. If he does have such a doubt, then he ought to resolve it before he acts, for I distinctly repudiate such statements as are made by Mr. William Green that Congress ought to act and then let the Supreme Court determine the constitutionality of our acts. We are agents with limited powers, and the Court gives every reasonable presumption to the constitutionality of what we do, because it believes that we have settled our own doubts and not passed them up to the Court.

I read the other day the statement of our congressional obligation by one of the greatest American judges in his work on constitutional law, and I venture to call it to the attention of this House, because too many of us have forgotten its nature.

Legislators have their authority measured by the Constitution; they are chosen to do what it permits, and nothing more, and they take solemn oath to obey and support it. When they disregard its provisions, they usurp authority, abuse their trust, and violate the promise they have confirmed by an oath. To pass an act when they are in doubt whether it does not violate the Constitution is to treat as of no force the most imperative obligations any person can assume. A business agent who would deal in that manner with his principal's business would be treated as untrustworthy; a witness in court who would treat his oath thus lightly, and affirm things concerning which he was in doubt, would be held a criminal. Indeed, it is because the legislature has applied the judgment of its members to the question of its authority to pass the proposed law, and has only passed it after being satisfied of the authority, that the judiciary waive their own doubts and give it their support. (Thomas M. Cooley, Principles of Constitutional Law.)

Let me give you a test for this bill. Suppose there was a labor dispute in the Schechter Poultry Corporation, the company which appealed the case in which the Supreme Court just decided. Suppose a complaint is made to the labor board you propose to establish charging that this man Schechter committed an unfair labor practice by attempting to interfere with the self-organization of his employees or refused to bargain with their representatives. Would that be a case for this board? Here, of course, Mr. Green—or Mr. CONNERY—would say "yes." Why? Because it would be a "labor dispute", under paragraph 9 of section 2 of this bill, and under paragraph 7 of the same section, it would affect commerce, because it might be "tending to lead to a labor dispute pertaining to or obstructing commerce or the free flow of commerce." Would the proposed labor board take jurisdiction? Of course it would; but if it did, it would plainly be dealing with an employment relation which the Supreme Court says is local. But, although it is local in every circumstance, this bill is drawn so as to drag it by definition into commerce. Are the gentlemen of this House fooled into believing that by calling a thing "commerce" they can make it so? I do not have to be a lawyer to know better than that.

Referring to the remarks of the gentleman from Massachusetts [Mr. CONNERY] that this legislation has been sent down here by the administration—and when anything is sent here by the administration we are supposed to be gullible enough to accept it as it is forwarded to us without amendment—I think it is an imposition upon the Membership of Congress, and I want to read at this juncture where Mr. Green, of the American Federation of Labor, threatened a general strike. This is in New York, under date of May 23:

NEW YORK, May 23.—Labor stands ready to tie up the Nation's industry by throwing down its tools in a general strike if Congress fails to grant its basic demands, William Green, president of the American Federation of Labor, warned today.

CROWD ROARS APPROVAL

The crowd roared its approval as the labor leader threatened:

"If Congress fails us, labor has its economic strength. If it comes to the point, we can mobilize our complete strength and refuse to work until we get our rights."

And when the applause had thundered away, he added grimly: "That is no idle threat! I mean just what I say."

In addition, he told the audience, labor must be ready to mobilize its political strength to defeat unfriendly Congressmen when they run for reelection.

I want to say to Mr. Green and I want to say to anybody in this land of ours, whenever I cannot use that God-given right of mine to think, I do not want to be in the House of Representatives. I would not be here, and if Mr. Green or anybody else thinks he is going to domineer me when it comes to using my best judgment in trying to legislate, then God forbid that I be a Member of Congress. This is intimidation of the worst sort, and that is what radical labor men resort to, to coercion and force to meet their own selfish ends, whether it is the best thing to do for the greatest number or not. I personally must try to make laws for all and for their best interest, not for any particular minority when it does injury to a greater number.

Now, when you examine this bill you can see that is precisely what is proposed to be done, for we propose to create a permanent labor board to entertain complaint with respect to what are called "unfair labor practices." These are five in number, and they can be committed only by an employer. The same things may be done by an employee, but they are not unlawful. Now, what are these things? They are to restrain or coerce employees in self-organization or forming, joining, or assisting labor organizations, or bargaining collectively through representatives of their own choosing. A little later we will see that this is precisely what the bill will not permit, but for the moment let us see what the labor practices are. I have said that they are interference, restraint, or coercion with the above rights by an employer, or domination or interference by him or the contribution of financial support to any labor organization. Of course, under the rules established by the Board an employer may be permitted to allow employees to confer with him during working hours without loss of pay, but it is very interesting to observe that he is not to be permitted to allow the employees to confer among themselves without loss of pay. Yet how can they prepare to confer with him if they may not confer among themselves? Of course, the purpose of that is to permit only one kind of a labor organization to function.

The remaining unfair labor practices are to discriminate in employment so as to discourage or encourage membership in any labor organization or to discriminate against an employee because he files charges under this bill or to refuse to bargain with the representatives of employees. The employer may make an agreement with a majority of his employees to make it a condition of employment that the employee shall join the majority organization. That, of course, means the establishment of the closed shop.

Now, what do these terms mean? What is interference? Is it discussing with employees the merits or demerits of any particular organization? Is it refusal to deal with a Communist organization? Because Communist organizations, under the definition of this bill by paragraph 5, section 2, have exactly the same standing as any reputable labor organization. So long as part of its purpose is to deal with an employer respecting working conditions, he is just as much obliged to deal with its representatives as any other kind of organization and thus encourage the very type of organization that is constantly denounced on the floor of this House. Moreover, it does not make any difference what the reputation of any organization that seeks to deal with the employer is. It may not keep its contracts, it may have bad leadership, but it will be an unfair practice not to recognize its representatives and deal with them. If the employer discusses these things with his employees, is he interfering with them? Is he discriminating in employment when he refuses to hire men of bad reputation, or is he dominating and interfering with the formation of a labor organization if he undertakes to discuss the number of apprentices that ought to be permitted, or any one of the numerous questions that arise in the normal relations of employer and employee by means of which they live in peace and amity?

Walter Lippmann severely criticized this measure, because he said that in a field where clear definition was most important this sloppy measure presented vague and indefinite definitions of unlawful conduct that would constantly multiply disputes and litigation. In other words, it encourages by its bad draftmanship exactly what it claims to minimize.

That is what they call a "penal statute." The courts have again and again said that if such statutes are ambiguous and do not clearly tell us in advance what we can do and what we cannot do, they are bad laws. In this field they make worse policy because they breed discord and bitterness and afford to the man who is looking for it the chance to make unfounded complaints. What this bill will do is to create a gigantic police court, for employers may be summoned from every part of the United States on any kind of a petty dispute, and if the board constituted is no more impartial than the one which we have witnessed in action or the one over which the sponsor of this bill presided, it will breed strikes as fast as a fish lays eggs.

Perhaps the worst feature of this bill which carries the intrinsic evidence of this unfairness is the declaration that only the employer shall be prohibited from intimidation, coercion, and restraint. The President of the United States, when he settled the automobile dispute, March 25, 1934, made a notable declaration. He said:

> The Government makes clear that it favors no particular union or particular form of employee organization or representation. The Government's only duty is to secure absolute and uninfluenced freedom of choice, without coercion, restraint, or intimidation from any source.

The President was not talking about his opinion. He was talking about what was the Government's duty. Now, by giving his approval to the measure before us he has abandoned his conception of public duty and substituted for it his endorsement of tolerated coercion by one class of citizens, while condemning the same kind of coercion by another class of citizens. I know of no greater injustice than to say that it shall be unlawful for one group of our people to do that which other groups are permitted to do. It is a distinct encouragement to lawlessness. In this case it is not secret, occasional, or sporadic lawlessness.

It is notorious, customary coercion which accompanies every kind of a labor dispute of any proportions with which we are familiar. Every Member of this House knows it as well as I do. I have no use for boycotts or blacklists or intimidation by employer or by employees, corporations or by labor unions. The corporation and labor union which hires thugs or tolerates or condones violence ought to keep the lock step of fellow convicts. I know it will be said that labor unions condemn lawless acts, but I have yet to hear of any labor organization that has ever suspended or expelled any member for engaging in such conduct of which it was the beneficiary. Yet this House, in the face of the declaration made by the President of the United States as to what the duty of government is, is asked to write into this bill a prohibition of coercion against employers on the ground that they alone interfere with self-organization or the selection of representatives. Every one within the sound of my voice knows that closed-shop unionism is determined to have no representatives except those of its own selection. It has not accepted the outcome of any election that went against it under elections supervised by the Labor Board, no matter how great the majority. Mr. Green has said, in an interview with the American Magazine for May, that he never will accept the results of such an election, save temporarily and under compulsion.

I have always thought that the most elementary right of an American is that of selecting and pursuing the employment of his choice. In that right he is to be free from molestation or intimidation by anyone. This House is asked to write in the law the proposition that he shall be free only from employers and that the equally notorious coercion of labor organizations shall be ignored. How long do you think that kind of arbitrary classification will stand in a court? You also propose to give to this labor board, with only the guidance of your vague definitions, the power to determine what constitutes these unfair labor practices. You give that board a jurisdiction and an authority greater than is possessed by any of our courts. Without rules of evidence it is to make findings of facts and they are to bind the court which reviews them. It is to have the power to have its orders enforced by the courts, and how? By injunctions. The American Federation of Labor has fought in Congress for years to destroy what it called "government by injunction." Now it is asking for it and asking you to govern the employment relations of the United States by injunction. But this time it is the conduct of employers, not their own, that is to be subjected to injunction.

All that I have said about the unconstitutionality of this bill is emphasized by what the Committee on Labor has done with it. Since it passed the Senate they have rewritten their report and brought in 21 amendments for the purpose of trying to save it from the condemnation of the courts, but no trick of theirs can save it from its fundamental defect, and that is the attempt by the Federal Government to take control of and regulate the relation of employer and employee entirely within the States, and while engaged in acts of manufacture, construction, mining, and service. They still think that a dispute in a factory, a restaurant, a barber shop, or a pants-pressing establishment might lead to a dispute that might lead to a strike that might threaten our commerce. The more I have read this bill the more I am inclined to think that the gentlemen would pass a bad bill and have it overthrown in order that they may find a new reason for criticizing the Court which will be compelled to condemn this flagrant violation of constitutional authority.

But are the gentlemen gaining new rights for labor? On the contrary, I think they are inflicting new wrongs upon the worker, for, if this bill is enacted, his right of self-organization and association will not be enlarged—it will be contracted. First of all, the labor board, not himself, will determine the unit of employment which is to select representatives. Unless he is a part of the majority in that unit he will not be represented by an agent of his own selection. As an individual, whether he is in a big or little unit of employment, he cannot make his own contract and sell his own labor if a majority of his fellow employees want to sell it collectively. This is not enlarging the right of self-organization or association. This bill gives fellow employees the right to coerce and intimidate their fellows in the exercise of every one of these rights. It destroys individual bargaining, takes away the right to determine their own unit of employment, and, unless you are part of a majority, the worker will have to let someone whom he did not select sell his labor for him. I predict with confidence that, if this measure is enacted, it will have a short life but an unhappy one, for it will breed strife and bitterness, as it is neither practical nor effective to protect the rights it pretends to safeguard. On the contrary, it is defective, biased class legislation and deserves from this House the condemnation it will receive from the courts.

I cannot conclude my comments on this measure more appropriately than by quoting the characterization which it received from the distinguished Senator from Maryland [Mr. TYDINGS] who, pointing to the lopsided, arbitrary, and unjust provision approving coercion by one group and tolerating it when committed by another, said:

> As I see this particular section, it looks to me like an effort to force every man in America to join a certain kind of union, whether or not he wishes to join that union; and the coercion and intimidation features are not to be inserted in this section because a certain union desires a free hand to take the workers from the groups in which they now belong into groups into which they may not wish to go.
>
> That is the naked fact back of the opposition to this amendment. It is an amendment to force all working people into a particular union, and every Senator on this floor knows that to be the truth. (CONGRESSIONAL RECORD, May 16, 1935, p. 7672.)

The Wagner Act will work in the interest of only a small minority of workers represented by professional labor leaders, will promote industrial strife, will bring about an epidemic of labor disputes, will drive employers and employees apart, and will substantially impede recovery.

It will in practice tend to make a closed shop of every plant and to make every employee carry a union card if he is to earn a living.

It penalizes employers for so-called "unfair practices" but will leave the agents and organizers of labor unions or the labor unions themselves completely free to use violence, intimidation, and other coercive methods which they may seek to employ.

Every employer is compelled to report in detail every dollar of money received and how every dollar is expended, so why not compel labor unions to give a strict accounting of the money that they receive, and above all, how same is spent? [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. RICH] has expired.

Mr. CONNERY. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. DUNN].

Mr. DUNN of Pennsylvania. Mr. Chairman, the legislation before us is, in my opinion, one of the most progressive and humanitarian measures that was ever brought before any Congress. If this bill is enacted into law, the laboring man of the United States will, for the first time, get a square deal. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. WELCH. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. WITHROW].

Mr. WITHROW. Mr. Chairman, the measure we are considering today is, in my opinion, one of the most misunderstood and misrepresented pieces of legislation that has been considered by this House. I have received numerous letters of protest stating that if this measure were passed it would wreck industry. Most of the individuals writing these letters do not understand the measure. They do not realize that this board of three appointed by the President and confirmed by the Senate has no jurisdiction over the determination of the hours of labor; have nothing to do with wage disputes; that their only duty is to determine who shall represent employees so that collective bargaining may be an actuality.

This measure, first, writes into the law the right of workers to bargain collectively with employers through representatives of their own choosing.

Second, it creates a board of three, appointed by the President and confirmed by the Senate, to serve as a "supreme court of labor" over industrial disputes.

Third, it outlaws company-dominated union.

Fourth, it specifies that employers must bargain with representatives of the majority of their workers.

Fifth, in cases where there is doubt about the representatives of the majority, the board is authorized to order and supervise plant elections to make this determination.

The deluge of protests I have received reminds me of what happened in the State of Wisconsin prior to the enactment of the unemployment-insurance act. The industrialists of Wisconsin at that time said that the passage of the unemployment-insurance act would wreck industry. Notwithstanding these protests, the measure was enacted into law and has been in force for almost 1 year. Now that industry in Wisconsin realizes the benefits that will be derived from unemployment insurance, they are heartily in favor of it. As a matter of fact, I have a number of letters from industrialists who now are convinced that in the future it will be a lifesaver, although they protested vehemently prior to its passage.

I predict at this time that if this measure is enacted into law—and it will be—that within a short period after it is working the majority of these same individuals who are now protesting against its passage will favor its retention.

As has been said by the gentleman from Pennsylvania [Mr. RICH], strikes have been prevalent in this country during the past 2 years.

The passage of this legislation is the only cure for the labor difficulties which have been characteristic for the past few years.

Mr. RICH. Will the gentleman yield?

Mr. WITHROW. I yield.

Mr. RICH. If we find there are less strikes in the next 2 years, I will be the first one to congratulate the gentleman on his recommendation. If, on the other hand, we find we are going to have more strikes, then I should like to have the gentleman call it to my attention.

Mr. WITHROW. Very well. That is fair enough.

Eight hundred and twelve thousand one hundred and thirty-seven workers were involved in strikes during 1933. In 1934 the number rose to 1,277,344. Within a span of 24 months over 32,000,000 man-days were lost because of labor controversies.

Nine-tenths of these disputes arose because the workers were demanding the right to organize and bargain collectively with their employers. There was no question of higher wages or shorter hours involved.

Our workers will never be content and satisfied until they have a representation and an organization which is really and truly of their own choosing. On the whole, they will never submit to a company-dominated organization.

The company-dominated union is frequently supported in part or in whole by the employer. I cannot conceive how anyone can rise to the defense of a practice so contrary to American principles as one which permits the advocates of one party to be paid by the other. Collective bargaining becomes a sham when the employer sits on both sides of the conference table or pulls the strings behind the spokesman of those with whom he is dealing.

The right of self-government through fairly chosen representatives is a right which is inherent to the American people and to our American form of government. This bill does no more than guarantee that right to American labor.

No sincere objection can be made to this bill except by those who seek to exploit the American working man and woman. [Applause.]

Mr. WELCH. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Chairman, I have asked for this time in order that I might in a few minutes discuss the question of the constitutionality of this act.

My position is a little different from some of the other Members. I came into this Congress late. I came down here and stood by myself in the well of this House and about all that I remember was that the Speaker asked me whether or not I would swear to support the Constitution of the United States. The President of the United States took that same oath of office.

In considering this bill I think this is true, and it cannot be denied, that as Congressmen we should first determine in our own minds whether or not it is constitutional. If we determine that it is constitutional, then we should determine whether or not on its merits we are for or against it. But, if we determine honestly and conscientiously in our own minds that it is unconstitutional, I do not see how any of us can vote for it. It may be said that that is a question for the courts. I say to you that the first line of defense against attack on the Constitution is the Congress of the United States. We have no moral and no legal right to enact any law in contravention of the Constitution. I say that is a duty that is incumbent upon every one of us. In considering this measure and every other measure, we ought to have that thing in mind.

I think some of those who contend against the Constitution have forgotten that those people who drafted the Constitution did not create a lot of new truths or new facts. They did not discover anything. They simply set forth in black and white a lot of self-evident truths. They set forth in black and white for the protection of our liberties and our form of government those things that the experiences of all civilization had proved were essential in the make-up and government of any free people.

Now, in considering this bill the Chairman of the Committee on Rules said that it seeks to do what was declared could not be done in section 7 (a) of the National Industrial Recovery Act. I say that if this is an attempt to do that, it is clearly unconstitutional; and if the ingenuity of the Government attorneys could not sustain section 7 (a) of the

National Industrial Recovery Act, then, in like measure, they cannot sustain this provision and this bill.

You are all familiar with the Schechter decision, which said that the Federal Government can only regulate interstate commerce or those things having a direct effect and bearing upon interstate commerce. Now, let us consider this bill. What might be called the "preamble", the thing that is the argument for the constitutionality of the bill, starts out by saying that the denial to employees of the right to organize and bargain collectively leads to strikes. Then what do the strikes do? Strikes lead to burdens on interstate commerce. Now, let us consider the indirect and the direct causation, if you please, in the light of the Schechter case. The indirect cause is the failure to recognize the right of collective bargaining. That induces strikes. Strikes are the direct effect and burden on interstate commerce. Who can contend for a minute that the matter of collective bargaining in a purely intrastate business, in the case of a company, for instance, about which I inquired of the Chairman of the Labor Committee, has a direct effect upon interstate commerce? I want to make this clear: I stand for the principle of collective bargaining. Labor has a right to bargain collectively in order that their bargaining power may equal that of the employer. They have a right to bargain by representatives of their own choosing; but that is not the first issue. The first issue is, Is this bill constitutional? I do not believe that it is.

There is no effort to limit the application of this bill or the power of the board that is to be set up to the control of interstate transactions or transactions directly affecting interstate commerce. This is exactly the thing criticized in the Schechter case. The Supreme Court there said it was not attempted to limit the application of N. R. A. to interstate trade and commerce alone. The board set up under this bill will look to the provisions of this bill believing that the Congress in its alleged wisdom has enacted a bill in harmony with the Constitution, but the minute they begin to enforce the act with respect to a purely intrastate business, the same decision will be handed down that was handed down in the Schechter case.

You may ask, what is the difference? The difference is that in the 2 years it takes to get a ruling on the constitutionality of a measure the rights of people under the Constitution as they conceive them, have been taken from them under an act of Congress. That is why I say it is imperative first of all for Congress to determine whether or not an act is constitutional. We cannot justify the passage of an unconstitutional act by saying that it is a question for the courts, because in the meantime people may be imprisoned or have their property taken from them.

The Coronado case and other cases were cited. The Coronado Coal case involved the mining of coal in one State for delivery in another in interstate commerce. The Danbury Hatters case involved the manufacture of hats in Connecticut and their sale in San Francisco, in interstate commerce. The Bedford Stonecutting case arose out of stone produced in my State and sold in the East in interstate commerce. The Printing Press case involved printing presses made in Battle Creek, Mich., and sold in interstate commerce in New York. Certain people combined and conspired to restrict the free flow of interstate commerce in violation of the Sherman Antitrust Act, to restrict and prevent those manufacturers from transporting their property and selling it in other States. I would not contend for a minute that that was not interstate commerce; clearly it is. If this bill by its terms undertook to limit this board and its jurisdiction to matters of that sort, I would say then that it was within the realm of interstate commerce and subject to control by the Federal Government.

If you do not believe in the Constitution, if you do not believe in States' rights or the exercise by the States of the sovereign power of the States to control intrastate commerce in their own way, the residuum of power in these United States as a free country is vested in the people and the people can change the Constitution. I say that it is not only our privilege but our duty to respect and uphold the Constitution of the United States so long as it is written as it is. Here and now let me say that I am as friendly to labor as any person who sits in this House, but I believe the laboring man has as big a stake in the Constitution, has as big a stake in the future of this country under that Constitution, as any person whoever he may be or however much he may have.

In this House we frequently hear the statement made by men who claim to be lawyers—and I do not claim to be a constitutional lawyer—"I have not looked into the constitutionality of the bill, I do not know whether it is constitutional or not."

I got to thinking about this, and I spent over half the night reading the decisions the proponents of the bill rely upon to support their contention of constitutionality. It is my honest, conscientious, and sincere opinion that power is vested in this purported authority set up under this act to exercise control of commerce, which power is not limited to interstate commerce or those things directly affecting interstate commerce. For this reason I claim the act is unconstitutional. Without regard to what we may think of the merits of the bill, or whether it produces a good situation or a bad situation, I do not see how any of us can support the bill as it is now drafted, in the light of the Constitution and the Supreme Court decisions thereunder, and under our oaths to support and uphold the Constitution. [Applause.]

[Here the gavel fell.]

Mr. CONNERY. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma [Mr. FERGUSON].

Mr. FERGUSON. Mr. Chairman, as a Representative from an agricultural district, I think that when we shall have passed this bill we will have brought about an equality that has been a long time coming. Under the A. A. A. and the amendments thereto passed yesterday, the farmer has an equality in the tariff that he has never had before. Under this bill we shall give labor an equal position with the employer, a position labor has never had before. We have manufacturers' organizations, chambers of commerce, and many different types of organizations that give employers a chance to have agreements, and it is high time that we had a permanent piece of legislation giving to labor the power to bargain collectively and in the open. We hear much talk about the power it will put into the hands of the American Federation of Labor and the power it will put into the hands of agitators. It is my opinion that to give labor clearly and legally the right to organize and do it openly will bring about a situation where the suspicion and hatred that existed when union activities had to be carried on by subterfuge will no longer exist. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. CONNERY. Mr. Chairman, I yield 15 minutes to the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Chairman, I am opposed to this bill because it is obviously unconstitutional; because it forbids the courts of the land to consider the controversies arising under it under the usual rules of evidence and procedure pertaining to other litigations; because it abrogates the right to contract; and because I believe it holds out false hopes that cannot be realized under the present Constitution, and which will lead to strife rather than peace.

It seems hardly necessary to remind anyone that we have recently and forcefully had called to our attention the limitations upon the power of the Congress under the interstate commerce clause.

We have no earthly power under the Constitution to legislate with respect to labor disputes except those labor disputes which directly affect interstate commerce as so often defined by the Supreme Court.

We have every reason to believe and to know that if we pass a law dealing with labor disputes or any other matter that stands outside of the power of Congress under the interstate commerce clause it will be promptly nullified by the Supreme Court.

The particular clause to which I wish to draw attention is subsection 7 of section 2, on page 7 of the bill.

This section, as reported from the Labor Committee before the Schechter decision, read as follows:

(7) The term "affecting commerce" means in commerce, or burdening or affecting commerce or obstructing the free flow of commerce, of having lead or tending to lead to a labor dispute that might burden or affect commerce or obstruct the free flow of commerce.

The bill was recommitted to the committee in order that it might be made to conform to that decision. The committee labored and brought forth the following provision as it now appears in the bill:

(7) The term "affecting commerce" means in commerce or burdening or obstructing commerce or the free flow of commerce, and having lead or tending to lead to a labor dispute, burdening or obstructing commerce or the free flow of commerce.

The mere transposition of some of the words in the original bill has brought about nothing more than the difference between tweedledee and tweedledum. The thinly veiled effort to impose upon the Supreme Court a definition of interstate commerce to meet the exigencies of this occasion will not avail.

Nothing new was said in the Schechter case. The Court by a series of decisions running over a period of 150 years has clearly and definitely defined the limitations upon Congress under the interstate-commerce clause. There is a clear line of demarcation running through all of these decisions, and in order to pass a valid law we must remain within the channels so defined, however irksome it may be.

At this point I ask unanimous consent to extend my remarks and append thereto quotations of the Supreme Court on this subject in a number of decisions.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SMITH of Virginia. Mr. Chairman, to my mind it is entirely clear how far we may go and where we must stop. If we do not stop when we reach the stopping place, the act will be declared unconstitutional by the Court and the earnest and untiring efforts of the advocators of this bill will be wasted through their overzealousness.

We cannot change the Constitution by undertaking to define interstate commerce. We are merely fooling ourselves and holding out false hopes to others. Whatever the need may be, however great the urgency may be to find some method to regulate labor disputes by the Congress, it cannot be done except in controversies directly affecting interstate commerce. All Members of the House know that only an infinitesimal percentage of potential labor disputes can be legitimately reached under the interstate-commerce clause.

Why seek to camouflage the situation with unconstitutional legislation when we all know that the only solution of the problem would be a constitutional amendment? There is ample provision for this method and while many of us will differ as to the propriety of an amendment for this purpose, nevertheless, it is a fair issue that can be fought out in the method prescribed by the Constitution. To each State in the Union would be given the opportunity to say whether she desired to adhere to the rights reserved to her under the Constitution, or whether she is willing to surrender more of these rights to the National Government.

Too many of the reserve powers of the States have been taken away by judicial interpretation and other means. I appeal to you not to further strip the States of their police powers in purely local matters by means of legislation of this character forced through under whip and spur of real or fancied emergency.

And to those gentlemen who complain of the limitations imposed upon the Congress by the Supreme Court decisions, may I remind them that those decisions have consistently from the beginning of our Government broadened and enlarged the powers of Congress beyond any measure conceived by the framers of the Constitution. May I remind you that President Madison, who was known as "the father of the Constitution", vetoed the first public-works program for the improvement of rivers and harbors on the grounds that the Constitution did not permit it. And may I remind you that Chief Justice Marshall, in the case of Gibbons against Ogden, revolutionized the whole conception of the interstate-commerce clause by construing it to include not only commerce itself, but the means of transportation by which commerce was carried on. From that time on the Court has continually liberalized the definition of "interstate commerce" to include everything that could honestly be construed as affecting it.

Throughout those interpretations, however, has run a clear line of consistency, namely, that the legislation must deal with subject directly affecting commerce between the States.

First. It includes transportation, communication, and trafficking between citizens of different States.

Second. It includes control over activities in the nature of conspiracies that directly impede or hinder the shipment of goods in interstate commerce.

Third. And it includes control over the shipment of goods and the transportation of persons when the thing itself or the object of the shipment is injurious or against public morals.

I believe that every case that has been decided is brought within these limitations and when it has been sought to go further as is done in this bill, the Supreme Court has uniformly refused to take jurisdiction under the commerce clause.

To illustrate, the cases when the Court has taken jurisdiction under the interstate-commerce clause and when it has refused to take jurisdiction:

First. The Court has refused the use of the channels of interstate commerce in the shipment of liquor, in lottery cases, and white-slavery cases. Why? Because in each of those cases the harmful nature of the transaction itself was regarded as having a direct and deleterious effect upon interstate commerce.

Second. The Court has taken jurisdiction to prevent boycott and conspiracies formulated for the purpose of preventing the use of certain goods or the products of certain factories. Why? Because in each of these instances the direct object was to prevent the articles from being shipped in interstate commerce, thereby obstructing the free flow.

And in every case the Court has carefully preserved the distinction between manufacture and commerce, taking jurisdiction in the latter and refusing it in the former. It has repeatedly, over and over, said that interstate commerce does not include the manufacture of goods for shipment in interstate commerce, the mining of coal or other minerals for shipment in interstate commerce, or the gathering or preparation of any articles for shipment in interstate commerce, where the article has not begun its journey in interstate commerce or where the transportation has finally terminated and the goods have come to rest for local distribution.

A striking illustration is found in the child-labor cases. There the law prohibited the shipment in interstate commerce of goods manufactured in factories where child labor was employed. The law was intended to remedy a recognized evil. There was no question of its lofty motives or the desirability of correcting the evil, and yet the Supreme Court held that Congress was powerless to deal with the subject under the interstate-commerce clause. Why? Because, although the goods might ultimately be intended for interstate commerce, the articles themselves were harmless and had no direct deleterious effect upon the commerce, and, therefore the manufacture and preparing for shipment of the articles for interstate commerce merely indirectly and remotely affected that commerce.

Now, under this bill, if labor disputes are to be confined as they will be confined, to those questions where interstate commerce is directly involved, there will be practically no labor disputes on which the bill can legitimately operate. Therefore, it must be intended that the bill shall operate on labor disputes over which Congress has no power. I for one, am of the firm conviction that we should not pass bills that are obviously unconstitutional and obviously intended

as instrumentalities to obviate and evade the limitations of the Constitution.

For example: We are told that if this bill does not pass promptly, there will be great coal strikes in the country. That strike will not operate directly upon interstate commerce, but upon the mining and production of coal partly in and partly out of interstate commerce.

Repeatedly the Supreme Court has said that we have no power under the interstate-commerce clause to interfere in any way with the mining of coal except to prevent or punish a conspiracy to restrain interstate commerce, although the indirect effect might keep out of the flow of commerce coal that otherwise would be shipped. As this bill does not operate as against employees, any conspiracy or combination to bring about the strike that would prevent the shipment of coal would not be reached by the terms of the bill, and certainly the employers, against whom the bill does operate, could not be reached on a charge of a conspiracy to bring about the strike by not acceding to employees' demands.

I merely cite the coal situation as an example of practically every other mining and manufacturing industry, because the same situation with respect to interstate commerce appears in practically all of them.

The result, therefore, is that the bill cannot legitimately operate in enough instances to justify the machinery that has to be set up. And, on the other hand, if it is the intention of the proponents of the bill to make it operate in all industry indirectly affecting interstate commerce, then the Supreme Court will unquestionably declare it unconstitutional at the first opportunity.

In the few minutes at my disposal I wish to call attention to those phases of the bill which obliterate the right of individuals to contract and take away from the courts the power to decide these controversies under the usual rules of evidence and procedure.

I refer first to section 10 A, page 14, line 24. In referring to the power of the board "this power shall be exclusive and shall not be affected by any other means of adjustment that has been or may be established by agreement, code, law, or otherwise."

Is it conceivable we intend to pass a law which we solemnly proclaim cannot be affected by any future law, and which we further say cannot be affected by the agreement of the contracting parties themselves?

I again call attention in the same section to the language used on page 15, line 21, "in any such procedure the rules of evidence prevailing in courts of law or equity shall not be controlling." I hope that in the discussion of this bill that some of its advocates will inform the Members of the House just what is meant by this language.

Again, on page 18, line 2, the language of the bill once more does violence to the usual rules of evidence and procedure in the courts when it provides that "the findings of the board as to facts, if supported by evidence, shall be conclusive." This language, which does away with the usual rules of evidence, is repeatedly found in the bill.

And again, on page 19, line 24, in dealing with the power of the Federal courts to review the decisions of the board the power of the court is effectively fettered by this language:

> And the findings of the Board as to the fact, if supported by evidence, shall in like manner be conclusive.

Let me express the hope that if the bill is to be passed that the House will by amendment, so far as is possible, eliminate the most glaring of its defects.

Ladies and gentlemen of the Committee, my congressional district lies just across the Potomac in Virginia. Ten minutes' drive from the Capitol will bring you among the former homes and environments of many of the outstanding figures who aided in the foundation of our Government and influenced to a wide extent its conception and development.

I hope that each and every one of you, if you have not already done so, will sometime make a trip through the beautiful country of northern Virginia and visit its historic shrines.

As you cross the Potomac, you will be in full view of Arlington Mansion, the home of the immortal Robert E. Lee, who sacrificed wealth and official position to struggle for what he believed to be the reserved powers of the States to secede from the Union. Only a few miles away is Mount Vernon, the home of Washington, whose whole life and energies were directed toward the creation and establishment of a stable form of government for this Republic. Only a few miles from there is situated Gunston Hall, the home of George Mason, who gave to America the Bill of Rights. In Loudoun County you will find the home of James Monroe, who laid down the Monroe Doctrine, which has been recognized as a rule of international law for over a century. In the adjoining county of Fauquier you will find Oak Hill, the home of Chief Justice Marshall, who, by his interpretation of the Constitution, gave it life and breath and vigor. Still farther on, in Orange County, you will find the home of James Madison, "the father of the Constitution", and then, in the next county of Albemarle, still in my congressional district, you will find Monticello, the home of Jefferson, author of the Declaration of Independence and the founder of our party.

Those men in their time differed violently, and often personally, as to the construction of the Constitution, the limitations of the powers given to the Federal Government, and the extent of the powers reserved to the States. They differed then just as we differ here today, and were they with us today, they would probably differ as violently as Members of this House differ as to what powers should be exercised by the Federal Government and what powers reserved to the States. They would differ as to whether the Constitution should be amended to meet the changed conditions of the present just as the Members of this House would do. But I believe that every one of you will agree with me, that upon any proposal to evade or circumvent the Constitution to meet exigencies or emergencies, that they would stand as one man in opposition to any effort to obviate the limitations or restrictions of that document except through the orderly process provided for that purpose.

May I say a word now about the Coronado case, a brief extract from which has been read to the Members of the House today? It reminds me somewhat of the old argument that is put up sometimes that the Bible said there is no God. You may take a few words out of the opinion and perhaps draw a conclusion from it. In the first place, there were two Coronado coal cases, one in Two Hundred and Fifty-nine United States Reports and one in Two Hundred and Sixty-eight United States Reports. The gentleman this morning quoted from the last case. The first case is where the principle is laid down and extracts from that case will be found in the extension of my remarks.

In the first decision the Supreme Court laid down the broad principle that it has never varied from one iota in the 150 years of the existence of the Court. That is to say, unless the subject directly affected interstate commerce, unless it is a direct burden upon it or there is a conspiracy to restrain it, this Congress has no power to legislate.

The second case went back again to the Supreme Court on an entirely different set of facts, which were adduced at the second trial, and the Court held in the second Coronado case under the evidence produced that the evidence was strong enough to bring it within the rule laid down by the Court in the former Coronado case.

Mr. GRISWOLD. Will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Indiana.

Mr. GRISWOLD. In the second Coronado case it was held that it did not turn on the conspiracy issue.

Mr. SMITH of Virginia. In the second Coronado case it was held that the facts as proven in the second case were sufficient to bring it within the rule laid down by the Court in the first Coronado case. Nothing will be found in the decision of the second Coronado case where the Court, by word or by intimation, stated it intended to vary from the principle which it had previously laid down in the other case.

Mr. GRISWOLD. May I call the gentleman's attention to the fact that the second case, as has been contended all

along by gentlemen familiar with the cases, seemingly did not turn on the conspiracy issue.

Mr. MARCANTONIO. Will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from New York.

Mr. MARCANTONIO. Then the constitutionality of this statute depends entirely on its application. In other words, you cannot say that as this statute stands today it is unconstitutional.

Mr. SMITH of Virginia. I think it may be stated of the proposed measure that it is unconstitutional.

Mr. MARCANTONIO. It depends on the application.

Mr. SMITH of Virginia. When the attempt is made to define interstate commerce as is undertaken in this bill, and define it outside the provisions of the Supreme Court decisions, then an unconstitutional law is being enacted.

The quotations of Supreme Court are as follows:

UNITED MINE WORKERS *v.* CORONADO COAL CO. (259 U. S. 344, 408)

(P. 346, syllabus)

8. Evidence that a union of coal miners belonged to a general association which, as an incident of its object to promote wages, etc., had a general policy to unionize coal mines by strikes, etc., and thus discourage competition of open-shop against union mines in interstate commerce, held not sufficient to prove that a conspiracy of the lesser organization and its members, accompanied by a local strike, to prevent the employment of nonunion miners and the mining of coal at particular mines, was a conspiracy to restrain interstate commerce in violation of the Sherman Act, where the strike and its lawless activities were the affair of the conspirators, explained by local motives, and the normal output of the mines was not enough to have a substantial effect on prices and competition in interstate commerce from which a motive to assist the general policy might be inferred (Pp. 408, 412).

At page 408 the Court said:

What really is shown by the evidence in the case at bar, drawn from discussions and resolutions of conventions and conference, is the stimulation of union leaders to press their unionizing of nonunion mines not only as a direct means of bettering the conditions and wages of their workers, but also as a means of lessening interstate competition for union operators which in turn would lessen the pressure of those operators for reduction of the union scale or their resistance to an increase. The latter is a secondary or ancillary motive whose actuating force in a given case necessarily is dependent on the particular circumstances to which it is sought to make it applicable. If unlawful means had here been used by the national body to unionize mines whose product was important, actually or potentially, in affecting prices in interstate commerce, the evidence in question would clearly tend to show that that body was guilty of an actionable conspiracy under the Antitrust Act. This principle is involved in the decision of the case of *Hitchman Coal & Coke Co.* v. *Mitchell* (245 U. S. 229) and is restated in *American Steel Foundries* v. *Tri-City Central Trades Council* (257 U. S. 184). But it is not a permissible interpretation of the evidence in question that it tends to show that the motive indicated thereby actuates every lawless strike of a local and sporadic character, not initiated by the national body but by one of its subordinate subdivisions. The very fact that local strikes are provided for in the union's constitution, and so may not engage the energies or funds of the national body, confirm this view. Such a local case of a lawless strike must stand on its own facts and while these conventions and discussions may reveal a general policy, the circumstances or direct evidence should supply the link between them and the local situation to make an unlawful local strike, not initiated or financed by the main organization, a step in an actionable conspiracy to restrain the freedom of interstate commerce which the Antitrust Act was intended to protect.

This case is very different from *Loewe* v. *Lawlor* (208 U. S. 274). There the gist of the charge held to be a violation of the Antitrust Act was the effort of the defendants, members of a trades union, by a boycott against a manufacturer of hats to destroy his interstate sales in hats. The direct object of attack was interstate commerce.

So, too, it differs from *Eastern States Retail Lumber Dealers' Association* v. *United States* (234 U. S. 600), where the interstate retail trade of wholesale lumbermen with consumers was restrained by a combination of retail dealers by an agreement among the latter to blacklist or boycott any wholesaler engaged in such retail trade. It was the commerce itself which was the object of the conspiracy. In *United States* v. *Patten* (226 U. S. 525), running a corner in cotton in New York City by which the defendants were conspiring to obtain control of the available supply and to enhance the price to all buyers in every market of the country was held to be a conspiracy to restrain interstate trade because cotton was the subject of interstate trade and such control would directly and materially impede and burden the due course of trade among the States and inflict upon the public the injuries which the Antitrust Act was designed to prevent. Although running the corner was not interstate commerce, the necessary effect of the control of the available supply would be to obstruct and restrain interstate commerce, and so the conspirators were charged with the intent to restrain. The difference between the Patten case and that of *Ware & Leland* v. *Mobile County* (209 U. S. 405) illustrates a distinction to be drawn in cases which do not involve interstate commerce intrinsically but which may or may not be regarded as affecting interstate commerce so directly as to be within the Federal regulatory power. In the Ware & Leland case, the question was whether a State could tax the business of a broker dealing in contracts for the future delivery of cotton where there was no obligation to ship from one State to another. The tax was sustained and dealing in cotton futures was held not to be of interstate commerce, and yet thereafter such dealings in cotton futures, as were alleged in the Patten case, where they were part of a conspiracy to bring the entire cotton trade within its influence, were held to be in restraint of interstate commerce. And so in the case at bar, coal mining is not interstate commerce and obstruction of coal mining, though it may prevent coal from going into interstate commerce, is not a restraint of that commerce unless the obstruction to mining is intended to restrain commerce in it or has necessarily such a direct, material, and substantial effect to restrain it that the intent reasonably must be inferred. (See also *Coronado Coal Co.* v. *United Mine Workers* (268 U. S. 295).)

KIDD *v.* PEARSON (128 U. S. 1, 20)

No distinction is more popular to the common mind, or more clearly expressed in economic and political literature, than that between manufactures and commerce. Manufacture is transformation—the fashioning of raw materials into a change of form for use. The functions of commerce are different. The buying and selling and the transportation incidental thereto constitute commerce, and the regulation of commerce in the constitutional sense embraces the regulation at least of such transportation. The legal definition of the term, as given by this court in *County of Mobile* v. *Kimball* (102 U. S. 691, 702), is as follows: "Commerce with foreign countries, and among the States, strictly considered, consists in intercourse and traffic, including in these terms navigation, and the transportation and transit of persons and property, as well as the purchase, sale, and exchange of commodities." If it be held that the term includes the regulation of all such manufactures as are intended to be the subject of commercial transactions in the future, it is impossible to deny that it would also include all productive industries that contemplate the same thing. The result would be that Congress would be invested, to the exclusion of the States, with the power to regulate, not only manufactures but also agriculture, horticulture, stock raising, domestic fisheries, mining—in short, every branch of human industry. For is there one of them that does not contemplate, more or less clearly, an interstate or foreign market? Does not the wheat grower of the Northwest and the cotton planter of the South plant, cultivate, and harvest his crop with an eye on the prices at Liverpool, New York, and Chicago? The power being vested in Congress and denied to the States, it would follow as an inevitable result that the duty would devolve on Congress to regulate all of these delicate, multiform, and vital interests—interests which in their nature are and must be local in all the details of their successful management.

It is not necessary to enlarge on, but only to suggest the impracticability of such a scheme, when we regard the multitudinous affairs involved and the almost infinite variety of their minute details.

It was said by Chief Justice Marshall that it is a matter of public history that the object of vesting in Congress the power to regulate commerce with foreign nations and among the several States was to insure uniformity of regulation against conflicting and discriminating State legislation. (See also *County of Mobile* v. *Kimball*, supra, at page 697.)

This being true, how can it further that object so to interpret the constitutional provision as to place upon Congress the obligation to exercise the supervisory powers just indicted? The demands of such a supervision would require not uniform legislation generally applicable throughout the United States but a swarm of statutes only locally applicable and utterly inconsistent. Any movement toward the establishment of rules of production in this vast country, with its many different climates and opportunities, could only be at the sacrifice of the peculiar advantages of a large part of the localities in it, if not of every one of them. On the other hand, any movement toward the local, detailed, and incongruous legislation required by such interpretation would be about the widest possible departure from the declared object of the clause in question. Nor this alone. Even in the exercise of the power contended for Congress would be confined to the regulation, not of certain branches of industry, however numerous, but to those instances in each and every branch were the producer contemplated an interstate market. These instances would be almost infinite, as we have seen; but still there would always remain the possibility, and often it would be the case that the producer contemplated a domestic market. In that case the supervisory power must be executed by the State; and the interminable trouble would be presented, that whether the one power or the other should exercise the authority in question would be determined, not by any general or intelligible rule, but by the secret and changeable intention of the producer in each and every act of production. A situation more paralyzing to the State governments and more provocative of conflicts between the general Government and the States and less likely to have been what the framers of the Constitution intended, it would be difficult to imagine.

HAMMER V. DAGENHART, 247 U. S. 251, 269, 274 (OPINION BY JUSTICE DAY)

(P. 251)

The act of September 1, 1916 (c. 432, 39 Stat. 675), prohibits transportation in interstate commerce of goods made at a factory in which, within 30 days prior to their removal therefrom, children under the age of 14 years have been employed or permitted to work, or children between the ages of 14 and 16 years have been employed or permitted to work more than 8 hours in any day, or more than 6 days in any week, or after the hour of 7 p. m. or before the hour of 6 a. m. Held, unconstitutional as exceeding the commerce power of Congress and invading the powers reserved to the States.

The power to regulate interstate commerce is the power to prescribe the rule by which the commerce is to be governed; in other words, to control the means by which it is carried on.

The court has never sustained a right to exclude save in cases where the character of the particular things excluded was such as to bring them peculiarly within the governmental authority of the State or Nation and render their exclusion, in effect, but a regulation of interstate transportation, necessary to prevent the accomplishment through that means of the evils inherent in them.

The manufacture of goods is not commerce, nor do the facts that they are intended for, and are afterwards shipped in, interstate commerce make their production a part of that commerce subject to the control of Congress.

The power to regulate interstate commerce was not intended as a means of enabling Congress to equalize the economic conditions in the States for the prevention of unfair competition among them by forbidding the interstate transportation of goods made under conditions which Congress deems productive of unfairness.

It was not intended as an authority to Congress to control the States in the exercise of their police power over local trade and manufacture, always existing and expressly reserved to them by the tenth amendment.

At page 269 the Court said:

The controlling question for decision is, Is it within the authority of the Congress, in regulating commerce among the States, to prohibit the transportation in interstate commerce of manufactured goods, the product of a factory in which, within 30 days prior to their removal therefrom, children under the age of 14 have been employed or permitted to work, or children between the ages of 14 or 16 years have been employed or permitted to work more than 8 hours in any day or more than 6 days in any week, or after the hour of 7 p. m. or before the hour of 6 a. m.?

In *Gibbons* v. *Ogden* (9 Wheat. 1), Justice Marshall, speaking for this Court and defining the extent and nature of the commerce power, said: "It is the power to regulate; that is, to prescribe the rule by which commerce is to be governed." In other words, the power is one to control the means by which commerce is carried on, which is directly the contrary of the assumed right to forbid commerce from moving and thus destroy it as to particular commodities.

* * * * * * *

"The power conferred is to regulate, and the very terms of the grant would seem to repel the contention that only prohibition of movement in interstate commerce was embraced. And the cogency of this is manifest, since if the doctrine were applied to those manifold and important subjects of interstate commerce as to which Congress from the beginning has regulated, not prohibited, the existence of government under the Constitution would be no longer possible."

In each of these instances the use of interstate transportation was necessary to the accomplishment of harmful results. In other words, although the power over interstate transportation was to regulate, that could only be accomplished by prohibiting the use of the facilities of interstate commerce to effect the evil intended.

This element is wanting in the present case. The thing intended to be accomplished by this statute is the denial of the facilities of interstate commerce to those manufacturers in the States who employ children within the prohibited ages. The act in its effect does not regulate transportation among the States, but aims to standardize the ages at which children may be employed in mining and manufacturing within the States. The goods shipped are of themselves harmless. The act permits them to be freely shipped after 30 days from the time of their removal from the factory. When offered for shipment and before transportation begins, the labor of their production is over, and the mere fact that they were intended for interstate commerce transportation does not make their production subject to Federal control under the commerce power.

Commerce "consists of intercourse and traffic * * * and includes the transportation of persons and property, as well as the purchase, sale, and exchange of commodities." The making of goods and the mining of coal are not commerce, nor does the fact that these things are to be afterward shipped or used in interstate commerce, make their production a part thereof (*Delaware, Lackawanna & Western R. R. Co.* v. *Yurkonis*, 238 U. S. 439).

Over interstate transportation, or its incidents, the regulatory power of Congress is ample, but the production of articles, intended for interstate commerce, is a matter of local regulation.

"When the commerce begins is determined not by the character of the commodity nor by the intention of the owner to transfer it to another State for sale, nor by his preparation of it for transportation but by its actual delivery to a common carrier for transportation, or the actual commencement of its transfer to another State" (Mr. Justice Jackson, in re Green, 52 Fed. Rept. 113). This principle has been recognized often in this court (*Coe* v. *Errol*, 115 U. S. 517; *Bacon* v. *Illinois*, 227 U. S. 504, and cases cited). If it were otherwise, all manufacture intended for interstate shipment would be brought under Federal control to the practical exclusion of the authority of the States, a result certainly not contemplated by the framers of the Constitution when they vested in Congress the authority to regulate commerce among the States (*Kidd* v. *Pearson*, 128 U. S. 1, 21).

It is further contended that the authority of Congress may be exerted to control interstate commerce in the shipment of child-made goods because of the effect of the circulation of such goods in other States where the evil of this class of labor has been recognized by local legislation and the right to thus employ child labor has been more rigorously restrained than in the State of production. In other words, that the unfair competition, thus engendered, may be controlled by closing the channels of interstate commerce to manufacturers in those States where the local laws do not meet what Congress deems to be the more just standard of other States.

There is no power vested in Congress to require the State to exercise their police power so as to prevent possible unfair competition. Many causes may cooperate to give one State, by reason of local laws or conditions, an economic advantage over others. The commerce clause was not intended to give to Congress a general authority to equalize such conditions. In some of the States laws have been passed fixing minimum wages for women, in others the local law regulates the hours of labor of women in various employments. Business done in such States may be at an economic disadvantage when compared with States which have no such regulations. Surely this fact does not give Congress the power to deny transportation in interstate commerce to those who carry on business where the hours of labor and the rate of compensation for women have not been fixed by a standard in use in other States and approved by Congress.

The grant of power to Congress over the subject of interstate commerce was to enable it to regulate such commerce, and not to give it authority to control the States in their exercise of the police power over local trade and manufacture.

CRESCENT COTTON OIL CO. V. MISSISSIPPI (257 U. S. 129)

Plaintiff in error, a Tennessee corporation, engaged in the manufacture of cottonseed oil in that State, finding it impracticable to carry on the business successfully when purchasing its supply of cottonseed from ginners or from brokers, acquired and operated cotton gins in Mississippi and other States, where it ginned cotton from cotton growers, purchased from them the seed thus separated from the fiber, and then shipped it on to its Tennessee factory. Mississippi passed a law forbidding corporations interested in the manufacture of cottonseed oil from owning or operating cotton gins, except of a prescribed capacity and in the city or town where their oil plants were located.

Held: (1) That since the ginning was merely manufacture, and the seeds were not in interstate commerce until purchased and committed to a carrier, the gins were not instrumentalities of interstate commerce and the prohibition of their operation did not infringe the company's rights under the commerce clause (p. 135).

The Court, on page 136, said:

The separation of the seed from the fiber of the cotton, which is accomplished by the use of the cotton gin, is a short but important step in the manufacture of both the seed and the fiber into useful articles of commerce, but that manufacture is not commerce was held in *Kidd* v. *Pearson* (128 U. S. 1, 20, 21); *United States* v. *E. C. Knight Co.* (156 U. S. 1, 12, 13); *Capital City Dairy Co.* v. *Ohio* (183 U. S. 238, 245); *McCluskey* v. *Marysville & Northern Ry. Co.* (243 U. S. 36, 38); *Hammer* v. *Dagenhart* (247 U. S. 251, 252); and in *Arkadelphia Milling Co.* v. *St. Louis Southwestern Ry. Co.* (249 U. S. 134, 151, 152). And the fact of itself that an article when in the process of manufacture is intended for export to another State does not render it an article of interstate commerce (*Coe* v. *Errol* (116 U. S. 517) and *New York Central R. R. Co.* v. *Mohoey* (252 U. S. 152, 155)). When the ginning is completed the operator of the gin is free to purchase the seed or not, and if it is purchased to store it in Mississippi indefinitely or to sell or use it in that State or to ship it out of the State for use in another; and, under the cases cited, it is only in this last case and after the seed has been committed to a carrier for interstate transport that it passes from the regulatory power of the State into interstate commerce and under the national power.

PUBLIC UTILITIES COMMISSION V. LANDON (249 U. S. 236)

While the piping of natural gas from State to State, and its sale and delivery to independent local gas companies, is interstate commerce, the retailing of the gas by the local companies to their consumers is intrastate commerce and is not a continuation of such interstate commerce, even though their mains are connected permanently with those of their vendor and their vendors agreed compensation is a definite proportion of their gross receipts. Id.

The Court, on page 244, said:

The court below held the business carried on by the receivers—transportation of natural gas and its disposition and sale to consumers through the distributing companies—was interstate commerce of a national character; that the commissions' actions interfered with establishment and maintenance of reasonable sale rates and thereby burdened interstate commerce and took the receivers' property without due process of law; that the original supply con-

tracts were not binding upon the receivers. And it accordingly enjoined the commissions, their members, the attorneys general of both States, the various municipalities and the distributing companies from interfering with establishment of such reasonable and compensatory rates as the court might approve. We think the trial court properly overruled the objections offered to its jurisdiction and nothing need be added to the reasons which it gave (234 Fed. Rep. 152, 155). But we cannot agree with its conclusions that local companies in distributing and selling gas to their customers acted as mere agents, immediate representatives or instrumentalities of the receivers and as such carried on without interruption interstate commerce set in motion by them.

That the transportation of gas through pipe lines from one State to another is interstate commerce may not be doubted. Also, it is clear that as part of such commerce the receivers might sell and deliver gas so transported to local distributing companies free from unreasonable interference by the State (*American Express Co.* v. *Iowa* (196 U. S. 133, 143), *Oklahoma* v. *Kansas Natural Gas Co.* (221 U. S. 229), *Haskell* v. *Kansas Natural Gas Co.* (224 U. S. 217)).

But in no proper sense can it be said, under the facts here disclosed, that sale and delivery of gas to their customers at burner tips by the local companies operating under special franchises constituted any part of interstate commerce. The companies received supplies which had moved in such commerce and then disposed thereof at retail in due course of their own local business. Payment to the receivers of sums amounting to two-thirds of the product of these sales did not make them integral parts of their interstate business. In fact, they lacked authority to engage by agent or otherwise the retail transactions carried on by the local companies. Interstate commerce is a practical conception and what falls within it must be determined upon consideration of established facts and known commercial methods (*Rearick* v. *Pennsylvania*, 203 U. S. 507, 512; *The Pipe Line cases*, 234 U. S. 548, 560). The thing which the receivers actually did was to deliver supplies to local companies. Exercising franchise rights, the latter distributed and sold the commodity so obtained upon their own account and paid the receivers what amounted to two-thirds of their receipts from customers. Interstate movement ended when the gas passed into local mains. The court below erroneously adopted the contrary view and upon it rested the conclusion that the public commissions were interfering with establishment of compensatory rates by the receivers in violation of their rights under the fourteenth amendment.

INDUSTRIAL ASSOCIATION *v.* UNITED STATES (264 U. S. 64, 78, 83)

(P. 64)

For the purpose of freeing the local building industry from domination by trade unions, numerous building contractors and dealers in building material in San Francisco combined to establish, in effect, the "open-shop" plan of employment by requiring builders who desired building materials of certain specified kinds to obtain permits therefor from a builders' exchange, and by refusing such permits to those who did not support the plan. Held that the combination did not violate the Sherman Antitrust Act, because (1) its object was confined to a purely local matter and interference with interstate commerce was neither intended nor desired.

(P. 77)

(2) The materials for which permits were required were all produced in California, except one kind as to which permits were required only after they had entered the State and had become commingled with the common mass of local property, so that their interstate movement and commercial status had ended.

At page 78, the Court said:

It is true, however, that plaster, in large measure produced in other States and shipped into California, was on the list; but the evidence is that the permit requirement was confined to such plaster as previously had been brought into the State and commingled with the common mass of local property, and in respect of which, therefore, the interstate movement and the interstate commercial status had ended. This situation is utterly unlike that presented in the Swift case, supra, where the only interruption of the interstate transit of livestock being that necessary to find a purchaser at the stockyards, and this the usual and constantly recurring course, it has held (pp. 398–399) that there was thus constituted "a current of commerce among the States", of which the purchase was but a part and incident. The same is true of *Stafford* v. *Wallace* (258 U. S. 495, 516), which likewise dealt with the interstate shipment and sale of livestock. The stockyards to which such livestock was consigned and delivered are there described, not as a place of rest or final destination, but as "a throat through which the current flows", and the sale as only an incident which does not stop the flow but merely changes the private interest in the subject of the current without interfering with its continuity. In *Binderup* v. *Pathe Exchange* (263 U. S. 291, 309), a commodity produced in one State was consigned to a local agency of the producer in another, not as a consummation of the transit, but for delivery to the customer. This Court held that the intermediate delivery did not end, and was not intended to end, the movement of the commodity, but merely halted it "as a convenient step in the process of getting it to its final destination."

But here the delivery of the plaster to the local representative or dealer was the closing incident of the interstate movement and ended the authority of the Federal Government under the commerce clause of the Constitution. What next was done with it was the result of new and independent arrangements.

The Government relies with much confidence upon *Loewe* v. *Lawlor* (208 U. S. 274) and *Duplex Co.* v. *Deering* (254 U. S. 443); but the facts there and the facts here were entirely different. Both cases, like the Coronado and the United Leather Workers cases and the present case, arose out of labor disputes; but in the former cases, unlike the latter ones, the object of the labor organizations was sought to be attained by a country-wide boycott of the employer's goods for the direct purpose of preventing their sale and transportation in interstate commerce in order to force a compliance with their demands. The four cases and the one here, considered together, clearly illustrate the vital difference, under the Sherman Act, between a direct, substantial. and intentional interference with interstate commerce and an interference which is incidental, indirect, remote, and outside the purposes of those causing it.

HUGHES BROTHERS *v.* MINNESOTA (272 U. S. 469–470)

1. A State cannot tax personal property which is in actual transit in interstate commerce (p. 471).

2. Pursuant to a contract of sale, logs cut in Minnesota by the vendors were floated by river to Lake Superior, there loaded on the vendee's vessels and transported to their destination in Michigan. Part of the price was paid when provisional inspection and estimates of quantity, etc., were made by the vendee at river landings, another part when the logs reached booms at or near the place of their transference to the vessels, and the remainder at destination. The wood was scaled by representatives of both parties when stowed in the vessels and at destinatiоn Liability insurance was carried by the vendor, and cargo insurance by the vendee. The vendor warranted title.

Held, that the logs had begun their continuous interstate journey with the beginning of their drive down the river, not with their subsequent transfer to the vessels (pp. 473, 475).

The Court, through Chief Justice Taft, on page 475, said:

The conclusion in cases like this must be determined from the various circumstances. Mere intention by the owner ultimately to send the logs out of the State does not put them in interstate commerce, nor does preparatory gathering, for that purpose, at a depot. It must appear that the movement for another State has actually begun and is going on. Solution is easy when the shipment has been delivered to a carrier for a destination in another State. It is much more difficult when the owner retains complete control of the transportation and can change his mind and divert the delivery from the intended interstate destination, as in the Champlain Co. case. The character of the shipment in such a case depends upon all the evidential circumstances looking to what the owner has done in the preparation for the journey and in carrying it out.

BINDERUP *v.* PATHE EXCHANGE (263 U. S. 241)

New York manufacturers and distributors of motion-picture films, in the regular course of their business, shipped films from that State to Nebraska and delivered them there to a Nebraska resident, as lessee under agreements, which by their terms were to be deemed and construed as New York contracts, and which licensed and obliged the lessee to exhibit the pictures, for specified periods, in moving-picture theaters, reserved rentals to the lessors and provided for ultimate reshipment by the lessee on advices to be given by them. Held, that the business of the lessors, and their transactions with the lessee, were interstate commerce, notwithstanding that, in accordance with the contracts, the films were delivered to him through agencies of the lessors in Nebraska to which they were first consigned and transported.

The Court, through Chief Justice Sutherland, on page 309 said:

1. The film contracts were between residents of different States and contemplated the leasing by one to the other of a commodity manufactured in one State and transported to and used in another. The business of the distributors of which the arrangement with the exhibitor here was an instance, was clearly interstate. It consisted of manufacturing the commodity in one State, finding customers for it in other States, making contracts of lease with them, and transporting the commodity leased from the State of manufacture into the State of the lessees. If the commodity were consigned directly to the lessees, the interstate character of the commerce throughout would not be disputed. Does the circumstance that in the course of the process the commodity is consigned to a local agency of the distributors, to be by that agency held until delivery to the lessee in the same State, put an end to the interstate character of the transaction and transform it into one purely intrastate? We think not. The intermediate delivery to the agency did not end and was not intended to end the movement of the commodity. It was merely halted as a convenient step in the process of getting it to its final destination. The general rule is that where transportation has acquired an interstate character "it continues at least until the load reaches the point where the parties originally intended that the movement should finally end" (*Illinois Central R. R. Co.* v. *Louisiana R. R. Comm.* (236 U. S. 157, 163). And see *Western Union Tel. Co.* v. *Foster* (247 U. S. 105, 113); *Western Oil Refining Co.* v. *Lipscomb* (244 U. S. 346, 349)).

In *Swift & Co.* v. *United States* (196 U. S. 375, 398) it was held that where cattle were sent for sale from a place in one State, with the expectation that the transit would end after purchase in another State, the only interruption being that necessary to find a purchaser at the stockyards, and this was a typical, constantly

recurring course, the whole transaction was one in interstate commerce and the purchase a part and incident of it. It further appeared in that case that Swift & Co. were also engaged in shipping fresh meats to their respective agents at the principal markets in other cities for sale by such agents in those markets to dealers and consumers; and these sales were held to be part of the interstate transaction upon the ground "that the same things which are sent to agents are sold by them, and * * * some, at least, of the sales are of the original packages. Moreover, the sales are by persons in one State to persons in another." In the same case in the courts below, 122 Fed. 529, 533, upon this branch of the case, it is said:

"I think the same is true of meat sent to agents, and sold from their stores. The transaction in such case, in reality, is between the purchaser and the agents' principal. The agents represent the principal at the place where the exchange takes place; but the transaction, as a commercial entity, includes the principal, and includes him as dealing from his place of business."

The most recent expression of this Court is in *Stafford* v. *Wallace* (258 U. S. 495, 516), where, after describing the process by which livestock are transported to the stockyards and thence to the purchasers, it is said:

"Such transactions cannot be separated from the movement to which they contribute and necessarily take on its character. The commission men are essential in making the sales, without which the flow of the current would be obstructed, and this whether they are made to packers or dealers. The dealers are essential to the sales to the stock farmers and feeders. The sales are not in this aspect merely local transactions. They create a local change of title, it is true, but they do not stop the flow; they merely change the private interests in the subject of the current, not interfering with but, on the contrary, being indispensable to its continuity."

The transactions here are essentially the same as those involved in the foregoing cases, substituting the word "film" for the word "livestock" or "cattle" or "meat." Whatever difference exists is of degree and not in character.

UNITED STATES *v.* E. C. KNIGHT CO. (156 U. S. P. 1)

The American Sugar Refining Co., a corporation existing under the laws of the State of New Jersey, being in control of a large majority of the manufactories of refined sugar in the United States, acquired, through the purchase of stock in four Philadelphia refineries, such disposition over those manufactories throughout the United States as gave it a practical monopoly of the business. Held, that the result of the transaction was the creation of a monopoly in the manufacture of a necessary of life, which could not be suppressed under the provisions of the act of July 2, 1890 (ch. 647, 26 Stat. 209), "to protect trade and commerce against unlawful restraints and monopolies" in the mode attempted in this suit, and that the acquisition of Philadelphia refineries by a New Jersey corporation, and the business of sugar refining in Pennsylvania, bear no direct relation to commerce between the States or with foreign nations.

The Court, through Chief Justice Fuller, on page 12 said:

The argument is that the power to control the manufacture of refined sugar is a monopoly over a necessary of life, to the enjoyment of which by a large part of the population of the United States interstate commerce is indispensable, and that, therefore, the general government in the exercise of the power to regulate commerce may repress such monopoly directly and set aside the instruments which have created it. But this argument cannot be confined to necessaries of life merely, and must include all articles of general consumption. Doubtless the power to control the manufacture of a given thing involves in a certain sense the control of its disposition, but this is a secondary and not the primary sense, and although the exercise of that power may result in bringing the operation of commerce into play, it does not control it, and affects it only incidentally and indirectly. Commerce succeeds to manufacture, and it is not a part of it. The power to regulate commerce is the power to prescribe the rule by which commerce shall be governed, and is a power independent of the power to suppress monopoly. But it may operate in repression of monopoly whenever that comes within the rules by which commerce is governed or whenever the transaction is itself a monopoly of commerce.

[Here the gavel fell.]

Mr. WELCH. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. MARCANTONIO].

Mr. MARCANTONIO. Mr. Chairman, I am going to endeavor in my time to explain this bill to the best of my limited ability and then attempt to deal with some of the controversial features which have been raised here this afternoon.

The first section of the bill defines the policies and the findings of the bill. That in and of itself, while of great importance from the standpoint of economic theory and philosophy, is not very important from the standpoint of legislation.

The second section deals with definitions and the important definitions which have been challenged here are found in subsection 6 of section 2, which reads as follows:

(6) The term "commerce" means trade, traffic, or commerce, or any transportation or communication relating thereto, among the several States, or between the District of Columbia or any Territory of the United States and any State or other Territory, or between any foreign country and any State, Territory, or the District of Columbia, or within the District of Columbia or any Territory, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign country.

I respectfully submit that this language does not in any manner conflict with the definition of "interstate" as defined in the decision in the Schechter case. There is not a single word in this language which conflicts with the definition of "interstate" as we find it in the Constitution or in any of the statutes.

Subsection 7 reads as follows:

(7) The term "affecting commerce" means in commerce, or burdening or affecting commerce, or obstructing the free flow of commerce, or having led or tending to lead to a labor dispute that might burden or affect commerce or obstruct the free flow of commerce.

If this particular definition is to be interpreted by a board to be created under this bill so as to violate the interstate definition as handed down in the decision in the Schechter case, the Supreme Court will declare it unconstitutional; but what we are seeking to do is to have each and every case as it is presented stand on its own merits. That has been the practice with every labor case that we have had thus far. Every case as it comes up will stand on its own merits. The question will be asked: "Does the application of the law in this case violate the interstate-commerce definition as handed down in the Schechter case?" I doubt whether any constitutional lawyer can say that the term "affecting commerce" as defined in subsection 7 of section 2 is in and of itself unconstitutional. What we are trying to do here is to attempt to guarantee certain rights to labor under language which is constitutional, and if tomorrow the application of this statute in certain cases may be unconstitutional, at the same time we would preserve those rights in cases where the application of the statute would be deemed to be constitutional; but to say that such terminology as the term "affecting commerce" or as the term "commerce" as used in this bill is in and of itself in direct conflict with the definition of interstate commerce handed down in the Schechter case I think is very far-fetched, and, as a matter of fact, I believe the motive behind such argument is to defeat the great principles in the bill rather than to argue the strict constitutionality, purposes, and scope of this bill.

Section 3 creates a National Labor Relations Board, which is to be composed of three members, who shall be appointed by the President. Their salaries shall be $10,000 a year and any member of the board may be removed by the President upon notice and hearing for neglect of duty or malfeasance in office, but for no other cause.

Then, also, a committee amendment changes the Senate bill and attempts to place this board under the Department of Labor. I have filed a minority report on this subject insisting that the board be independent, and I shall discuss that question at the proper time when the committee amendment is offered.

The important sections of this bill are sections 7, 8, 9, and 10.

Section 7 does what? Up to the present time there is not a Member in this House who can deny that labor has a perfect right by going on the economic battle front, by going out on strike, to guarantee for itself the right of collective bargaining. This right which labor has, no one has dared to take away from it during the past 10 years and no one challenges it. Now, since labor has this right and labor can obtain this right only on the economic battle front by strife and by strike, by labor disputes and labor struggles which disrupt the economic stability of an industry or of a community, what can the objection be to having this right which labor can acquire on the economic battlefield placed in the law, and thus legislate for labor a bill of rights so that labor can exercise these rights by going

into a court of equity through the medium of a labor board and having these rights preserved, respected, and vindicated?

What is the objection to section 7 that is being raised here? Section 7 states:

Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection.

Everyone who has argued against this bill this morning has stated, "I believe in the right of collective bargaining." If he believes in the right of collective bargaining, why does he challenge section 7, which asserts that labor has the right of collective bargaining?

The next section is section 8 and the purpose of section 8 is to enforce and to clarify the right of collective bargaining and to prevent any practices which would nullify that right which we are all willing to give labor under section 7, and what are these things? The provision states:

It shall be an unfair labor practice for an employer—
(1) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 7.

If you have no quarrel with section 7, certainly you cannot have any quarrel with subdivision (1) of section 8.

Then under subdivision (2) the employer is prevented from doing what? He is prevented from dominating or interfering with the formation or administration of any labor organization or contributing financial or other support to it.

Provided, That subject to rules and regulations made and published by the Board pursuant to section 6 (a), an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. MARCANTONIO. I yield to the distinguished gentleman from New York.

Mr. TABER. I should like to have the gentleman tell the Committee whether his understanding of paragraph (2) of section 8 is that the employer would not be allowed to consult with his employees directly without this exception.

Mr. MARCANTONIO. Oh, no; this exception guarantees the employer the right to consult with his employees.

Mr. CONNERY. Mr. Chairman, will the gentleman yield?

Mr. MARCANTONIO. I yield.

Mr. CONNERY. May I say to my friend from New York that the purpose of that provision is that under the provisions of the bill without such an amendment an employer would be guilty of an unfair labor practice on the ground he was financing his employees if he paid them on company time and then allowed them to come in on company time and discuss matters relative to wages or anything else. So this is to take care of his interests and protect him from an unfair labor practice.

Mr. BEAM. Mr. Chairman, will the gentleman yield?

Mr. MARCANTONIO. I yield.

Mr. BEAM. A great many of these so-called "industries" have what they call their company unions or company associations or employees' associations and I would be very much interested in having the gentleman state just how these so-called "company unions" will be affected by this proposed legislation, if it is enacted.

Mr. MARCANTONIO. There is nothing in this bill which will affect the existence of a company union. All this bill provides is that it shall be an unfair labor practice to have such company union dominated by the employer, and if we believe in collective bargaining, as we all say we do, then I submit that we have a proper right to prevent an employer from taking a union over or forming one and dominating such union so that when they sit on opposite sides of the table, there is no collective bargaining, but there is only one-sided bargaining—the employer bargaining with himself. This is what we are trying to prevent. A company union, unless these unfair labor practices are engaged in, would have the right to exist under this bill and if in a particular unit, as defined by the labor board, the company union has the majority, they will elect their representatives who will deal with the employer, so that the company union will have just as much right as any other union would have that had a majority under such conditions. However, such union must not be an employer-dominated union.

Mr. CONNERY. Mr. Chairman, will the gentleman yield?

Mr. MARCANTONIO. I yield.

Mr. CONNERY. The gentleman has stated the matter very succinctly, but the actual result of the passage of this bill will mean the elimination of company unions, not by force, but because the workers when they have the opportunity to pick their own union without coercion will not pick a company union.

Mr. MARCANTONIO. Exactly; but what we are doing here is we are trying to eliminate the unfair labor practice of having the employer dominate the union and finance such union and control such union; and once we eliminate the unfair labor practices, you cannot have an employer-dominated company union. A company union incidentally is synonymous with an employer-dominated union. Once you remove employer control your company union becomes an honest union or ceases to exist.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. MARCANTONIO. I yield to the gentleman from Georgia.

Mr. COX. In the consideration of this measure would the gentleman be satisfied with the adoption of the principle of collective bargaining?

Mr. MARCANTONIO. That is the purpose of this measure, but at the same time may I say to the gentleman that the mere enunciation of the principle of collective bargaining is meaningless unless we eliminate the unfair labor practices which destroy the principle of collective bargaining. Merely stating that the employees shall have the right of collective bargaining and then not eliminating the unfair practices, collective bargaining becomes a mere name and a sham. This bill seeks to eliminate unfair labor practices and hence insure collective bargaining.

Mr. COX. Would the gentleman be satisfied with the elimination of unfair practices and the adoption of that principle of collective bargaining.

Mr. MARCANTONIO. No; may I say in answer to the gentleman, that besides the elimination of unfair labor practices we ought to have the principle of majority representation, and for the simple reason that there cannot be any collective bargaining unless it is based on majority representation. This bill provides for majority representation.

Mr. COX. Would the gentleman be satisfied with that included?

Mr. MARCANTONIO. Certainly.

Mr. COX. The gentleman recognizes and accepts as correct the controlling decision of the Court in the Schechter case, and there is no purpose in the bill in any way to circumvent the effect of that decision?

Mr. MARCANTONIO. That is correct. There is no attempt here to circumvent the Supreme Court decision.

Mr. COX. Is there not an effort here through legislative definition, to push further Federal control beyond the point fixed by the Supreme Court as marking the limit of congressional power? Let me put the question in another way. Is not the main purpose of this bill to extend Federal control through the use of the commerce power of the Constitution by legislative definition and otherwise, to the point of taking out of State control that which has heretofore been regarded as a purely domestic activity?

Mr. MARCANTONIO. Not necessarily; that is not the situation at all. We are trying to use whatever power Congress has under the commerce clause. The language of the bill is constitutional. Only when its application would be contrary to the definition of "interstate" in the Schechter case would it be declared unconstitutional. Each case would stand on its own state of facts.

I am sorry I have not the time to further elaborate on this point. It is a very interesting one. A great deal is being said today about liberty. The opponents of this bill talk about liberty of the employers to do this, and the liberty of the employers to do that. How about the liberty of the

worker? Unless Congress protects the workers what liberty have they? Liberty to be enslaved, liberty to be crucified under the spread-out system, liberty to be worked to death under the speed-up system, the liberty to work at charity wages, the liberty to work long hours. So far as I am concerned, the present laissez faire policy which we have followed in reference to labor has produced a situation which can be described in the words of Anatole France, when he said: "The law in its majestic equality forbids the rich as well as the poor to sleep under bridges, beg on the streets, and steal their bread from the shop windows."

This bill should pass. It will not settle the capital-and-labor problem, but it is a great step toward a Magna Carta for American labor. [Applause.]

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD and to insert therein certain excerpts from the bill and other data to which I wish to refer.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. BLANTON. Mr. Chairman, the gentleman from Virginia [Mr. SMITH] has made my speech. He has made the kind of a speech that I imagine one of the greatest constitutional lawyers who ever served here from Virginia during our time would have made if he were here at this time. I refer to our former distinguished colleague, Hon. Henry St. George Tucker, who at one time was chairman of the American Bar Association. The gentleman from Virginia [Mr. SMITH] made the same kind of a speech that Mr. Tucker would have made upon this subject.

I am one of the close personal friends of the distinguished gentlemen from Massachusetts [Mr. CONNERY], the able chairman of this committee, who is the author of this bill. He is honest, sincere, energetic, efficient, and thoroughly conscientious. During our long years of association here I have learned to have for him great respect, high regard, and deep affection. There is nothing that I have that he could not get personally. If he needed it and I could help him by doing so, I would wade through snow from here as far as I could go to help him. That is how much I think of him, but I differ with him in respect to this bill.

Mr. CONNERY. And I want to say that I have the same affection for the gentleman from Texas, and whether he differs with me or not, that is his own private affair.

Mr. BLANTON. When I was a young lawyer my best client was Mr. Charles M. Cauble, of Albany, Shackelford County, Tex. He was a big cattleman. After trying a number of cases for him he began to employ me by the year.

Mr. EKWALL. At how much?

Mr. BLANTON. Before I stopped, it was about what I earn in Congress, counting the fees for each case plus the retainer he was paying me by the year. He had business not only all over Texas but also in Mexico, New Mexico, Colorado, Kansas, Wyoming, Montana, and the Dakotas, with cattle being fed all over the country, and leased ranches everywhere. He was constantly shipping whole train loads of cattle. At one time I represented him in about 50 different cases pending in courts.

I remember the first big contract that I ever drew for him and it is a wonder that it did not cause me to get fired. He had bought a big ranch and a large number of cattle, horses, and other livestock, and some grazing leases in different places, and he employed me to draw the contract covering his purchase. The owner, who was selling, to my surprise did not have a lawyer. I was so enthused in looking after the interest of my client and in seeing that every feature of that long contract involving property of great value protected my client in every particular that I drew him up what I thought was an ideal contract to protect him. I knew my client was safe but I neglected to think about the rights of the seller. Everything went along nicely until the time came for delivery, and for the contract to be executed.

Then the man from whom my client bought did not comply with the terms of the contract and it was necessary to go into court to enforce its provisions. To my surprise then the other man appeared with his lawyer and his defense was that the contract was a unilateral contract, that it was one-sided, and was so drawn that his client did not have any rights at all, and therefore was not enforceable in court. To my surprise the court set my ideal contract aside, and annulled it, and left me and my client up in the air. Then I learned what a unilateral contract was, a one-sided affair, worthless and unenforceable in the courts of the land. And I have never forgotten that valuable lesson.

Mr. Chairman, the bill we have before us here, controlling the rights of all employers and employees, is a unilateral bill, with the rights of all employers left out of it. Only the rights of employees are protected. It is one-sided.

Mr. BEITER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I am sorry I cannot yield, as my time is limited.

Mr. BEITER. Only to ask the gentleman whether he gave his client back his money.

Mr. BLANTON. I should have given it back, but that is the only case of his I ever lost in court, and I represented him for a number of years. Charley Cauble was the most generous and best client I ever had throughout all of the years of my law practice. That unilateral contract taught me something, and I found out then that when you want to draw a contract between individuals you must see to it that just treatment is accorded to both of the contracting parties. When you pass a law in Congress that affects the rights of two different classes of people, you must see to it that the right of both sides are considered and that they are given equal rights under the law.

Is there any provision in this bill that gives any employer of labor any rights? If there is, please point it out. I have read these 25 pages from cover to cover and I cannot find a single sentence in the bill that gives any right whatever to an employer of labor. It takes from employers all of their inherent rights.

To have employees in the country, you must have employers. Whenever you pass a law that puts employers out of business you are putting employees out of jobs, and you are acting against the best interest of the employees of the country. You must give the employers their inherent rights guaranteed by our Constitution.

The bill you have before you here this evening is a bill that will put more small businesses out of business than anything else that Congress has ever done in the last 50 years. You are going to continue and enhance the depression that has been afflicting our country for so many years. You have provisions in this bill that will be most expensive. The members of the board draw $10,000 a year each, plus traveling expenses and subsistence allowances. There is a blanket provision here that they can appoint as many employees as they want to without limitation. They can pay them the salaries they want to, except that they must conform to the Reclassification Act, and under the Reclassification Act you can pay some lawyers as high as $15,000 a year. I want to discuss now in detail some of the specific details of this bill.

EXPENSES PAID BY ALL THE PEOPLE

I quote from section 4 the following provisions:

Each member of the Board shall receive a salary of $10,000 a year. * * *

The Board shall appoint, without regard for the provisions of the civil-service laws but subject to the Classification Act of 1923, as amended, an executive secretary, and such attorneys, examiners, and regional directors, and shall appoint such other employees with regard to existing laws applicable to the employment and compensation of officers and employees of the United States, as it may from time to time find necessary for the proper performance of its duties. * * *

Under the above provisions a whole army of additional employees will be placed on the Government pay roll, and we will never be able to get them off. Under the Classification Act they can be paid tremendous salaries. You colleagues will remember that I gave you the names of 876 lawyers employed by the Veterans' Administration drawing salaries ranging from $9,000 per year down, and most of them were merely inexperienced lawyerettes who had never tried an

important case in a courthouse prior to their appointment. And the whole people of the United States will be called upon to pay all of the enormous expenses of this board and its army of employees, when only the 3,000,000 members of the American Federation of Labor will be interested in this legislation, and it is for their especial benefit that it is passed.

NO LIMITATION WHATSOEVER ON EXPENSES

I quote the following from page 10 of the bill:

All of the expenses of the Board, including all necessary traveling and subsistence expenses outside the District of Columbia incurred by the members or employees of the Board under its orders shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Board or by any individual it designates for that purpose.

You will note from the above that not only are traveling expenses allowed to the board, but they are also allowed to its army of employees, and that in addition to their $10,000 annual salaries these board members are allowed subsistence expenses, in addition to their traveling expenses, and likewise their army of employees are allowed their subsistence expenses in addition to their salaries and traveling expenses, when they are away from Washington, and they can be traveling and sojourning all over the United States, under the following provision which I quote from page 11 of the bill, to wit:

SEC. 5. The principal office of the Board shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place. The Board may, by one or more of its members or by such agents or agencies as it may designate, prosecute any inquiry necessary to its functions in any part of the United States.

There are 48 States in this Union. It is a long way from Seattle to Florida. It is a long way from Maine to California. The expenses of the agents and agencies of said board meeting at any place in the United States, and exercising its powers and prosecuting its inquiries "in any part of the United States" with traveling expenses and per diem subsistence allowances in addition to salaries, are going to cost the people a tremendous sum of money annually. We have not forgotten the scores of useless and pleasure trips that were taken by scores of employees of Director John B. Densmore in the United States Employment Service during the war.

PENALTIES INTIMIDATING ALL EMPLOYEES

I quote from the bill the following penalty prescribed for any employer who impedes or interferes with any agent of this board, to wit:

Any person who shall willfully resist, prevent, impede, or interfere with any member of the Board or any of its agents or agencies in the performance of duties pursuant to this act shall be punished by a fine of not more than $5,000 or by imprisonment for not more than 1 year, or both.

Under the above provision, and the other provisions of the bill, where an employer had 50 well-satisfied employees, and they were receiving good wages, but were not unionized, and did not want to unionize, and all liked their jobs and their wages and their employer, and were all thoroughly well satisfied, if some agent interfered, and demanded that they all be unionized, if their employer were by them invited to advise with them, and were to advise against such unionization, he would be guilty of a felony, and be fined $5,000 and imprisoned for 1 year.

RIGHTS FOR EMPLOYEES, BUT NONE FOR EMPLOYERS

I quote the following from section 7 of the bill:

SEC. 7. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection.

You will note that under the special heading in the bill, "Rights of employees", it is provided that they may "engage in concerted activities for mutual aid", and this is not restricted to an employer's own employees, but labor agitators from anywhere may thrust themselves into a man's business and interfere with his employees and try to get them dissatisfied and demand that they unionize against their will, because the bill, in defining "employee", uses this language on page 5, to wit:

The term "employee" shall include any employee, and shall not be limited to the employees of a particular employer.

So we may expect a constant strife and turmoil and interference by union agitators among satisfied nonunion employees in every business everywhere in the United States, and no employer will dare to say one word to his own employees, because it will mean a fine of $5,000 and a year in the penitentiary.

MORE WORK FOR OUR SUPREME COURT

Is there a good lawyer in this House who for one moment believes that such a law would be upheld by the Supreme Court? Certainly it will not stand. Passing this bill is a futile thing. It is a mere gesture.

EMPLOYERS CONDEMNED UNFAIR

Under section 8 of this bill an employer is condemned to be unfair if he should "interfere with, restrain, or coerce his employees in the exercise of their rights guaranteed in section 7", or if he should "interfere with the formation or administration of any labor organization", or if he should "discriminate in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization", or if he should "discharge or otherwise discriminate against an employee who filed charges against him or gave testimony against him."

BOARD MADE JUDGE, JURY, BAILIFF, PROSECUTOR, AND EXECUTIONER

I quote the following from section 10 of the bill:

PREVENTION OF UNFAIR LABOR PRACTICES

SEC. 10.(a) The Board is empowered, as hereinafter provided, to prevent any person from engaging in any unfair labor practice (listed in sec. 8) affecting commerce. * * *

(b) Whenever it is charged that any person has engaged in or is engaging in any such unfair labor practice, the Board, or any agent or agency designated by the Board for such purposes, shall have power to issue and cause to be served upon such person a complaint stating the charges in that respect, and containing a notice of hearing before the Board or a member thereof, or before a designated agent or agency, at a place therein fixed, not less than 5 days after the serving of said complaint.

Under the above provision, any one of our constituents engaged in business could be summoned to appear before some agent anywhere in the United States, and to answer any kind of ridiculous charges, and would be forced to the great expense of employing high-salaried attorneys, and paying the expenses of his attorney, his witness, and his own far distant from his home for a period that could extend into weeks. This bill is going to cause more men to go out of business and more long-established businesses to close up, and more employees to lose good-paying jobs in which they are now well satisfied, than anything that has been done by Congress before in half a century.

WHOLLY WITHOUT BENEFIT OF LAW

The last straw that breaks the camel's back is the provision in this bill on page 15, that provides that in such hearings before said Board, or any of its agents, the employer is to be tried upon the particular whim of the particular agent who has summoned such employer before him, the following being such provision:

In any such proceeding the rules of evidence prevailing in courts of law or equity shall not be controlling.

ANY EMPLOYEE COULD CONTINUE LITIGATION

If an employer had 500 employees, and the Board summoned such employer before it upon a charge of unfair practice toward them all alike, and after spending weeks in an exhaustive hearing, such Board should determine that the charge was unfounded, and not sustained, and should discharge such employer, and such decision should meet with the approval of 499 of said employees, the remaining employee nevertheless could appeal such decision to the courts, and force such employer to continue in such expensive litigation, under the following provision on page 19, to wit:

(f) Any person aggrieved by a final order of the Board granting or denying in whole or in part the relief sought may obtain

a review of such order in any circuit court of appeals of the United States in the circuit wherein the unfair labor practice in question was alleged to have been engaged in or wherein such person resides or transacts business, or in the Court of Appeals of the District of Columbia, by filing in such court a written petition praying that the order of the Board be modified or set aside.

As I said in the beginning, this bill is a unilateral contract for employers and employees, which means that it is a one-sided contract, with every right and privilege given to employees, and not a right given to employers; but every burden and penalty possible is placed upon all employers.

MEDDLING SNOOPERS

I quote the following from page 21 of the bill:

(1) The Board, or its duly authorized agents or agencies, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question. Any member of the Board shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question, before the Board, its member, agent, or agency conducting the hearing or investigation. Any member of the Board, or any agent or agency designated by the Board for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

And if such employer should refuse to be thus examined, or to allow snoopers to go through the books of his establishment at will, or should refuse to jump across the United States at the command of such agent, and take all of his books and records of his business with him to place before such agent, he is to be punished for contempt under this bill.

PERSONAL SERVICE NOT NECESSARY

When an agent wants to serve a far-distant employer with a complaint, or order, or other process, all he has to do is to mail him a copy by registered mail, or else telegraph him, even though he might be away in Siberia, and 10 days later the hearing can be had, regardless of the distance such employer may live from the hearings. I quote this provision from page 22, to wit:

(4) Complaints, orders, and other process and papers of the Board, its member, agent, or agency, may be served either personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served.

EVEN OUR GOVERNMENT MUST RESPOND

I quote the following from page 23 of the bill:

(6) The several departments and agencies of the Government, when directed by the President, shall furnish the Board, upon its request, all records, papers, and information in their possession relating to any matter before the Board.

COUNTLESS STRIKES TO ENSUE

During the period of the World War there were 6,000 strikes against the Government of the United States. Following the passage of this bill, it will take a high-powered adding machine to count the strikes that will occur annually. The following is section 13 of the bill:

SEC. 13. Nothing in this act shall be construed so as to interfere with or impede or diminish in any way the right to strike.

I cannot believe that the President of the United States wants such a bill as this passed. He surely has not weighed and carefully passed on all of its provisions. There is not a possible chance for the Supreme Court of the United States to uphold it; it will be set aside as soon as it reaches our high tribunal. So why should we put our Government to a lot of useless and wasteful expense in passing a futile gesture?

A FEW WELL-KNOWN ILLUSTRATIONS IN WASHINGTON

Let me remind you of a few instances here in Washington where union troublemakers interfered with employers and employees. Some of the older colleagues here will remember the Raleigh Hotel strike. There was perfect peace and harmony between the Raleigh Hotel and its employees. Good wages were paid, satisfactory in every way to the employees. Walking delegates first demanded of the hotel that it unionize its employees and sign a union contract. The hotel refused upon the ground that its employees were all well satisfied and did not want to unionize. Then the walking delegates demanded of the employees that they must unionize, and again were told that they did not want to do so, and were perfectly satisfied in every respect. Then force was applied, and the employees were forced to strike, and to demand a union contract, and when the Raleigh Hotel refused to be bulldozed and controlled, and hired other employees, the hotel was picketed for weeks, with three 8-hour shifts of pickets, paid by unions to march around this hotel day and night, with banners calling the Raleigh Hotel unfair, and such banners reading "This is a scab hotel", "No decent people will patronize it", and the matter had to be thrashed out in courts at great expense, before such hotel was protected and given its rights by law. If this bill had been in effect, the Raleigh Hotel would have been helpless, and would have been sandbagged into having its inherent constitutional rights taken from it here in the Nation's Capital.

PICKETING GUDE

Mr. Gude is a well-known florist in Washington. He has spent a lifetime building up his magnificent business here, well known over the United States. He started here many years ago with only a few employees. Now he owns one of the largest florist businesses in the United States, and hires a large number of employees. Union agitators some years ago demanded of him that he unionize his employees. He told them that he would do it if the employees wanted it done. Some of his employees had worked for him for 30 years. All of his employees were well paid, were all well satisfied, and were all loyal to Gude, and stated that they did not want to unionize. Then the union agitators demanded of them that they must unionize, and although threatened with violence, they refused. Then Mr. Gude was embarrassed and interfered with, by having pickets placed around all of his business establishments, and his customers insulted, and he had to resort to the courts before he got justice. If this bill had then been law, he would have been forced to unionize, when neither he nor his employees wanted it done, and when both he and his employees were all well satisfied.

PICKETING REEVES

I remember well the unwarranted interference with Mr. Reeves some years ago. He runs a first-class bakery and delicatessen at 1209 F Street NW. Some of his employees have worked for him for 40 years. All of his employees were paid wages higher than others were receiving for comparable service anywhere in Washington. Demand was made on him by union agitators that he must unionize his employees. His employees refused to do it. They all said they were well paid and were well satisfied. Then he was picketed. Day and night men and women were paid to march in front of his place of business carrying banners calling his store a scab joint, and insulting his many customers by telling them that no decent person would patronize Reeves, and he had to resort to the courts to get his constitutional rights. If this bill had then been law, he would have been deprived of his rights, and his satisfied and well-paid employees would have been forced to unionize and pay monthly dues to unions to pay big salaries to union agitators.

RECENT TAXICAB STRIKE HERE

Our colleagues will remember the recent outrageous taxicab strike here in Washington during the Shriners' convention when the Diamond Taxicab Co. and the Union Taxicab Co., tried by force and violence to force all of the taxicabs in Washington to practically double their rates. Our colleague from Kentucky [Mr. MAY], and his secretary, were forced to get out of their cab, and their driver was attacked, was thrown out of his cab, had his keys taken away, and forced to abandon his car, and such outrages were pulled off all over this city. They did not respect the Constitution of the United States, which forbids anyone to stop a Member of Congress on his way to the Capitol,

and when Congressman MAY told these strikers he was a Congressman on his way to attend a committee meeting, they scornfully told him they did not care a d—— about Congress, or a congressional committee or a Congressman, that if he wanted to go to the Capitol, he would have to take a street car, but he could not ride in a taxicab. If this bill had then been law, they would have compelled every driver of every taxicab in Washington to obey their commands, forced upon them by threats, intimidation, and violence.

SALTZ BROS. PICKETED SINCE NOVEMBER

There is a high-class firm of clothiers doing business at 1341 F Street NW., known as Saltz Bros. They have been in business for years. They are paying out thousands of dollars each year for rents and taxes. They have a pay roll which amounts to about $50,000. Last November union agitators demanded that they unionize their employees. All of their employees are well paid, were all well satisfied, and did not want to join any union. Saltz Bros. refused to make them join against their will. And then their business was picketed, and for months has been picketed day and night, with men and women paid by unions to march back and forth, and forth and back, in front of their store and insult and interfere with their customers.

FORCED TO FILE SUIT

Saltz Bros. were forced to hire lawyers, and to file a bill in equity in the Supreme Court of the District of Columbia, being Equity No. 58083, from which I quote the following from their allegations:

6. Plaintiff further avers that in the early part of November of this year a person purporting to be a representative of the said Retail Clerks' Local Union No. 262, called on one of the officers of plaintiff company for the purpose of inducing said plaintiff to enter into a contract with the said union, which provides, among other things, for the limitation of the hours of labor during which its employees shall be engaged, and also fixes a certain minimum wage scale. The said labor representative was informed that by reason of this being a busy season that time for the consideration of the same be postponed until after the holiday business shall have been disposed of, and thereafter and during the latter part of November the said representative again called for the purpose, and a few days thereafter a telephone call was received importuning plaintiff to enter into the contract referred to. In each case the said representative threatened and intimidated the plaintiff to comply with the demands referred to, otherwise the establishment would be picketed. In the conferences referred to, plaintiff emphasized the fact that the matter in hand required some thought and consideration and asked that further time be allowed for a determination of the question. Plaintiff further imparted to the said union representative the fact that it had bound itself to the terms required by the National Industrial Recovery Act, evidenced by the fact that several N. R. A. insignia are displayed in and on the premises; that the said N. R. A. requirements made provision for a minimum wage scale to the employees and also regulated the hours of employment, all of which were being definitely enforced in the management and conduct of plaintiff's business.

7. Plaintiff further avers that much to the surprise of plaintiff's officers, stockholders, employees and patrons, on, to wit, the 5th day of December 1934, there appeared in front of the premises a man purported to represent the said union organization with two conspicuous signs on his person, which signs are commonly known as "sandwich signs", bearing the following inscription, to wit: "The firm of Saltz Bros., 1341 F Street NW., is unfair to organized labor. They refuse to recognize the Retail Clerks' International Protective Association, Local No. 262, affiliated with American Federation of Labor, approved by Washington Central Labor Union." Since which time there have been three different men so engaged, the names of whom are unknown to plaintiff, though efforts have been made to ascertain the same.

8. The individuals described in the paragraph next preceding, usually known as "pickets", with the display signs referred to, have been patrolling and picketing the premises aforesaid in close proximity to the entrance and the show windows of the said premises, thereby obstructing the entrance and preventing the public and patrons from viewing the display windows and preventing ingress and egress to the store, much to the annoyance and inconvenience of the said public and patrons; and in some instances, upon information and belief, plaintiff avers that its business has been substantially embarrassed, resulting in a diminution of patronage, as well as immediate irreparable injury, loss, and damage, unless a temporary restraining order be issued.

8. Plaintiff further avers that it has never before had any disputes or other difficulty with any labor or other organization having for its interest the benefit of wage earners; that a large part of the merchandise handled by plaintiff consists of union-made articles, and has never had any difficulty with employees with reference to either wages or hours; that all of its employees are satisfied with the treatment they receive as the said hours and wages are regulated by the provisions of the National Industrial Recovery Act, in support of which there is attached hereto and prayed to be made part hereof affidavit of employees made by 25 employees, and also the individual affidavits of certain patrons of plaintiff, being David L. Kreeger, Earle Chesney, Nathan Raffler, Isador Nahmanson, James S. Robb, and E. R. Grant.

9. Plaintiff further avers that the act and conduct of the picketers referred to constitutes a threat and menace against its patrons and accordingly, as plaintiff is advised, the same should be prevented by injunctive relief against a continuance thereof. In spite of the facts hereinbefore averred there remains before the premises of plaintiff the picket hereinabove described, and plaintiff respectfully shows that the presence of such picket constitutes a threat, menace, and nuisance to the peaceful conduct of its affairs.

Wherefore plaintiff, having no plain, adequate, and complete remedy at law, seeks the aid of this honorable court and prays as follows:

1. That writs of subpena be issued directed to the defendants and commanding them and each of them to appear and answer the exigencies of this bill of complaint, but not under oath, oath being expressly waived.

2. That a temporary restraining order be granted forthwith without notice to said defendants, prohibiting them and each of them, their and each of their agents and servants directly or indirectly from interfering with plaintiff's business, and that the picketing referred to be promptly enjoined, etc.

AFFIDAVIT OF SATISFIED EMPLOYEES

The following is the affidavit of the satisfied employees of Saltz Bros., which was attached to said bill in equity:

DISTRICT OF COLUMBIA, to wit:

The undersigned, each for himself, respectively, being first duly sworn on oath according to law depose and say that they are employed by Saltz Bros., Inc., doing business at 1341 F Street, in the city of Washington, D. C.; that in the course of the employment as aforesaid the hours during which they are employed and the salaries received are regulated entirely by the National Industrial Recovery Act, and in the said premises several N. R. A. insignia are exhibited; that the said salaries and hours are fair and reasonable, and that they are satisfied with the same and have no desire to become affiliated with any labor organization having for its prime purpose the regulation of hours and wages.

Affiants further say that for several days past and during the usual business hours there has been a man walking in front of the premises and across the entrance leading thereto wearing a sign bearing the inscription "The firm of Saltz Bros., 1341 F Street NW., is unfair to organized labor. They refuse to recognize the Retail Clerks' International Protective Association, Local No. 262, affiliated with American Federation of Labor, approved by Washington Central Labor Union", in his perambulations as aforesaid interferes with persons from freely inspecting the display windows and as his presence also tends to obstruct the entrance to the building he thereby interferes with patrons and others in their effort to enter the same.

Name and address: Walter Brown, Logan Circle; Peter Keval, 1705 East Capitol Street; Anna Rightus, 1151 New Jersey Avenue NW.; Louis E. Feinberg, 2300 Eighteenth Street NW.; Caroline M. Morgan, Dupont Circle Apartments; John Wallace, 640 Rickford Street NE.; Robert Worth, 2022 Sixteenth Street NW.; G. Nagelberg, 916 Seventeenth Street NW.; Arthur L. Cooney, 921 Nineteenth Street NW.; J. S. LaCoste, 1723 Eye Street NW.; Lee Sprinkel, 1209 N Street NW.; H. R. Welch, 61 Preston Avenue, Cherrydale, Va.; B. W. Costolow, 2528 Pennsylvania Avenue SE.; A. Norman, 3804 Jenifer Street NW.; O. C. Welk, 2121 Branch Avenue SE.; J. E. McGeary, 2007 Perry Street NE.; Harry Baulser, 4109 Illinois Avenue NW.; Morris A. Zetlin, 1627 Lamont Street NW.; Paul Goetz, 1605 North Appleton Street, Baltimore, Md.; George Gingrich, 1621 Eye Street NW.; W. Saulsbury, 618 Franklin Street NE.; Annes Scrugg, 2120 P Street NW.; Florence Hardman, 1243 E Street SE.; Lee Schaefer, 1423 Chapin Street; John Speigel, 1616 Q Street NW.

Subscribed and sworn to before me this — day of December 1934.

[SEAL] WM. G. WINSTEAD,
Notary Public, District of Columbia.

NO RELIEF YET

And union labor is so well entrenched in Washington, D. C., that Saltz Bros. have not yet been able to get any relief, and are still being picketed, with their constitutional rights denied them, notwithstanding the fact that all of their employees are well paid, are well satisfied, and do not want to unionize. But if this bill should become law, they will be forced against their wishes to unionize, and if Saltz Bros. should then say one word against it, they would be fined $10,000, and imprisoned for 1 year.

ANOTHER CASE OF PICKETING

Just across the street from Saltz Bros. is another similar case, where an American employer is being picketed, because neither he nor his employees, who are all well paid, and well satisfied, do not want to unionize.

DELICATESSEN JUST AROUND THE CORNER

Just around the corner from Saltz Bros., on Fourteenth Street, this side of the Hamilton National Bank, is a first-class delicatessen, full of customers all the time, which is being picketed and has been picketed for months, because both the employer and the employees refuse to unionize. The employees are all well paid and are well satisfied, and do not want to join the union. If this bill is passed they will be forced to join.

AM AN OLD-FASHIONED AMERICAN

I am the kind of an American who believes that employees who are well paid and are well satisfied do not have to join a union unless it is their wish and will. I am against forcing them to do anything that interferes with their inherent, constitutional rights. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas [Mr. BLANTON] has expired.

Mr. WELCH. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon [Mr. EKWALL].

Mr. EKWALL. Mr. Chairman, I was rather amused at the story of our genial friend from Texas [Mr. BLANTON], the Sage of Abilene, when he told us about the Supreme Court having to teach him his law rather than to get it out of the law books. Of course, that was not the fault of the Supreme Court. That was his fault.

Now, so far as this bill is concerned, as I see it, if passed, it is going to be administered by the National Labor Relations Board. I am sure the gentleman does not mean that he thinks the President of the United States is going to appoint members on such a board who will work unnecessary hardships upon employers or employees.

So far as the constitutionality of this bill is concerned, you know there are lawyers and lawyers. Real lawyers are those who are learned in the law. Then there is another class of lawyers who merely practice law. I presume I am in the second category, but I do not think we need worry about the constitutionality of this bill, because it will be merely up to the board to apply the terms of this bill to a state of facts that it will fit. If they meet such a situation as only applies to intrastate business, of course, if these constitutional lawyers are correct as to the limitations of the bill, the board members will probably keep their fingers out of it. If not, the Court will tell them to do so, or indicate the bounds beyond which their authority does not extend.

As I understand, this bill merely gives the employees the right to have majority rule. That is the right that we have in this body. Our laws are passed by a majority. The entire structure of our Government is based upon majority rule. I take it that labor is merely asking to be heard, and not to have to go to the employer as supplicants. If a majority of the employees of a particular firm cannot say to their employer what they want, how will we ever have any industrial peace? How will we ever stop industrial strife? There may be four or five different groups all in the same organization, each asking for something different. So it seems to me it is at least a wise provision to try something of this kind.

There is nothing in this bill which gives the American Federation of Labor the exclusive right to organize employees. There is not anything in the bill which will eliminate company unions, as I see it. It seems to me it simply gives the men the right to organize and bargain collectively without the domination and interference of the employer, and when the employer does interfere and influence, then, of course, it is not real organization, or bargaining.

This is not a strike law. It does not seem to me to be designed to foment strikes. I take it that its purpose is to obviate strikes. I have had many letters and telegrams from my district for and against the bill. My district and the entire Northwest is paralyzed with strikes today. The lumber industry is entirely at an impasse. Plants are closed down. It is claimed by those who have worked with this bill that it will, if passed, obviate such conditions. I say that we have numerous strikes now. Let us give this a fair opportunity to be tried out. If it does not do the things that the gentleman from Massachusetts and his colleagues say it will, we will not have locked the door for all time. We can repeal the law if it does not do the things we had hoped it would at the time of its passage, and if it proves to be a source of more strikes and trouble than now obtains in industry. It seems to me that this bill is at least entitled to a fair hearing and I believe it is entitled to a trial. I am not certain whether it will do these things, but I hope it will. So let us give it a fair trial.

The CHAIRMAN. The time of the gentleman from Oregon [Mr. EKWALL] has expired.

Mr. CONNERY. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. COOLEY].

Mr. COOLEY. Mr. Chairman, two days ago in this House we passed legislation which we hope will save the farmers. Today in this House we will pass legislation which seeks to save the American laborer.

It was not my pleasure or my privilege to vote for the passage of the original National Industrial Recovery Act. Had I been a Member of Congress at that time, I am sure that I would have voted for its passage, even though we realize now that it was far from a perfect piece of legislation. Although it was not perfect, I am sure that it breathed the true spirit of freedom; freedom from starvation wages, child labor, and unbearable working hours and conditions.

As to the National Recovery Act, our Supreme Court has spoken and no one has a right to challenge the authority of its power nor question the correctness or wisdom of its decision.

The Blue Eagle lived for but a day, but while it lived it held in its claws and clutches the industrial buzzard which had sunken its bill into even the vitals of childhood in the sweat shops of this Nation.

The Supreme Court has spoken, but the spirit of the Blue Eagle lives on and will continue to live until the American laborer is freed from the bondage of economic slavery.

The National Industrial Recovery Act, upon its passage, was hailed by our then newly chosen Chieftain as "a new charter of rights long sought and hitherto denied." I am for this bill because it is animated by the same spirit of freedom. I am for it because it seeks to eliminate the cause of unrest and strife; and fosters, protects, and promotes the free right of collective bargaining, and seeks to give to the American workingman the right to live and be happy.

This bill may not be perfect, but it is at least an honest effort to redeem a campaign pledge of the Democratic Party to give to labor the right of collective bargaining and to protect them in that right. We are tired of platitudes—the law must become sensitive to life and harmonize with the technique of modern industry.

I hope, therefore, that this bill will pass and that the worker of America will no longer be a plaything of fate and forced to resort to industrial warfare to gain the rights which should be his by law.

Mr. CONNERY. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. MORITZ].

Mr. MORITZ. Mr. Chairman, I thank the chairman for so graciously giving me this opportunity to take my stand and place myself on record for organized labor.

Mr. Chairman, it seems to me we are living now in a period of transition under the leadership of a great President who is looking after the rights of the underdog. Every time, however, he tries to protect them and give them something they ought to have, the United States Constitution comes in the way. In past years special privilege has always had its way. I remember an instance in Pennsylvania where a judge granted an injunction against some miners because in a church they sang some songs the employers did not like. Today we have a President who is trying to give these same rights to the underdog. Let us stick with him. We are in a transition period. What we should concentrate on right now is an easier and less cumbersome way of amending the Constitution. The United

States Constitution was not framed with the view of dealing with the complexities of life as we find it in this advanced age of machinery and economics with its multiplication of powerful agencies which could not then be foreseen. So it is up to us to find an easier way to amend our Constitution that the people may be given a fair deal. [Applause.]

[Here the gavel fell.]

Mr. WELCH. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Chairman, this bill is clearly unconstitutional, but I am not going to discuss that feature of it. I shall discuss the details of the bill, for I believe it is a bad bill and a serious menace to the 76 percent of labor that does not belong to unions. There is absolutely no protection in this bill for those men who do not belong to unions. Their rights and their jobs can be destroyed by those who have no respect for the fellow who works but who does not want to support or promote labor disturbances.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield for a brief question?

Mr. TABER. I yield.

Mr. MARCANTONIO. Will not the gentleman point out the sections to which he refers?

Mr. TABER. That is just what I am going to do if I have the time. I can, however, hit only the high spots. I shall try to do better when the bill is read.

Paragraph 3 of section 8 is a provision which will permit the closed shop to be enforced by decree, which will prevent the fellow who does not want to join the union from having a job at all.

Paragraph (a) of section 9 ought to be called the sell-out section, for where the man does not belong to a union he can have his job rated at almost nothing by the union promoters. There is not any question about that, and no one can deny it. This is the worst section of the whole bill. I read paragraph (b) of section 9:

(b) The Board shall decide in each case whether, in order to effectuate the policies of this act, the unit appropriate for the purposes of collective bargaining shall be the employer unit, craft unit, plant unit, or other unit.

Consider what this provision does—it permits the board to say that the unit shall be a group in a certain territory. Perhaps in that territory will be plants in which the employees are perfectly satisfied with the conditions of employment, plants where there is not the slightest excuse for trouble, but this power to bring that plant in with other plants can create a situation where these men will be forced entirely out of their rights. I do not like to see any board given such power as that.

Now, turn to paragraph (d). The right of appeal is limited to facts that are certified in a transcript by this board; and this board is given the right to conduct whatever hearings it needs in such manner as it pleases.

On page 15, in line 22, you will find this language:

In any such proceeding the rules of evidence prevailing in courts of law or equity shall not be controlling.

This provision permits this board to rig up the proposition without permitting the party who is cited to be heard at all. We should strike out the word "not" and give these people who will be brought before this board, perhaps from long distances, a fair opportunity to be heard.

Mr. CONNERY. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. CONNERY. They have every opportunity to come before the board. This provision with regard to the rules of evidence, to which the gentleman referred, holds true in the case of every board the United States has set up.

Mr. TABER. That condition should not be tolerated, because it permits the board to discriminate and prevent the facts being brought out.

When an appeal comes up and the party abused says to the court that certain things were not permitted to be developed, the only way he can get relief is by having the court send the thing back to the same board for further operations. There are no rules at all to protect individuals on a further hearing.

[Here the gavel fell.]

Mr. CONNERY. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. SWEENEY].

Mr. SWEENEY. Mr. Chairman, in the Seventy-second Congress I voted for the LaGuardia-Norris bill to outlaw the "yellow dog" contract. I voted for the National Industrial Recovery Act because I believed that section 7 (a) was the cornerstone of the act. I believed that it held out a hope to hundreds of thousands of men and women in this country who heretofore were unorganized. They took advantage of that law and joined organized labor in order to bargain collectively through representatives of their own choosing and to secure a just and living wage.

That act has now been declared unconstitutional by the Supreme Court. The declaration of policy remains, however, and the gains made by labor as a result of the National Industrial Recovery Act are not going to be lost. The laboring groups are going to resort to the only weapon they have and that is to strike when necessary. Read in the report of the American Steel Foundries Co. against Tri-City Central Trades Council case and the opinion rendered by Chief Justice Taft. They have this right which has been ordained to them by the Supreme Court. Unless this Wagner-Connery dispute bill is passed we are going to have an epidemic of strikes that has never before been witnessed in this country. In greater Cleveland alone over 70,000 men and women have joined with organized labor since the passage of the N. R. A. They are not going to stand by and have their wages cut and their hours of labor increased.

Mr. Chairman, who is opposing this bill? The same groups that opposed the Workmen's Compensation Act in every State, the same ones that opposed the mothers' pension acts, the old-age pension acts; the same ones that opposed safety regulations for the railroads and steamships, the same ones that opposed sanitary regulations for the sweatshops and the factories, the same group that upheld child labor. I say if this bill is passed, 5 years from now they will be glad this Congress had the foresight to pass the same because both sides to labor controversies will benefit.

Already the selfish employers of labor have begun to lengthen the hours of labor and reduce the wages of employees. In some States child labor will be as popular as it was before the inauguration of the N. R. A. Price cutting and price fixing, with its vicious cutthroat competition, is the slogan of the hour.

Mr. Chairman, none are so blind as those who will not see. The manufacturer, the industrialist, and the employer of labor who seeks to make profit from the sweat and toil of his employees is just a plain damn fool. The day that labor can be crushed and exploited is over, at least in this country. In my opinion, the gains secured under the provision of section 7 (a) of the N. R. A. will not and should not be abandoned or destroyed.

We have under consideration today a measure passed by the Senate, known as the "Wagner-Connery Labor Disputes Act." This act is designed to promote equality of bargaining power between employers and employees, to diminish the causes of labor disputes by the creation of a national labor relations board, to which matters of issue between employers and employees can be referred for settlement. This measure reestablished the principle of collective bargaining, the principle adopted by this administration and manifestly set forth in section 7 (a) of the N. R. A., to which I have referred.

When elections are held on the question of collective bargaining, or on any other issue joined between capital and labor, it will no longer be possible, if this measure passes, for the employer to intimidate, threaten, or influence his employees in voting against their own welfare. If such action does occur, the national labor relations board, under the terms of this act, has the power to step in and conduct

an impartial election, free from the domination or influence of either side to the controversy.

Mr. Chairman, strikes are a costly weapon to employers and employees alike. The working class of our country only resort to strikes as a last resort. They have the constitutional right to strike, as I have indicated in my reference to the American Steel Foundries against Tri-City Central Trades Council, cited by the Supreme Court. The workers resort to strikes only to retain their self-respect and the welfare of themselves and their dependents.

Let me read to you the opinion of a late President of the United States, and a former Supreme Court Justice of the United States in the case of *American Steel Foundries* v. *Tri-City Central Trades Council* (257 U. S. 184, at 209):

> They (labor unions) were organized out of the necessities of the situation. A single employee was helpless in dealing with an employer. He was dependent ordinarily on his daily wage for the maintenance of himself and his family. If the employer refused to pay him the wages that he thought fair, he was nevertheless unable to leave the employ and to resist arbitrary and unfair treatment. Union was essential to give laborers opportunity to deal on equality with their employer. They united to exert influence upon him and leave him in a body in order by this inconvenience to induce him to make better terms with them. They were withholding their labor of economic value to make him pay what they thought it was worth. The right to combine for such a lawful purpose has in many years not been denied by any court. The strike becomes a lawful instrument in a lawful economic struggle or competition between employer and employees as to the share or division between them of the joint product of labor and capital. To render this combination at all effective, employees must make their combination extend beyond one shop. It is helpful to have as many as may be in the same trade in the community united, because in the competition between employers they are bound to be affected by the standard of wages of their trade in the neighborhood. Therefore, they may use all lawful propaganda to enlarge their membership and especially among those whose labor at lower wages will injure their whole guild.

> The strike becomes a lawful instrument in a lawful economic struggle for competition between employer and employees as to the share or division between them of the just product of capital and labor.

I have repeated the words of the Chief Justice because they are significant. It is a pronouncement from the highest Court in our land.

Hundreds of letters and telegrams come to my desk urging me to vote against this measure. I am firmly convinced in the statement I made a moment ago, that a few years hence many of these misguided employers of labor who are vociferous in their protest against this legislation will be grateful to the Members of the Seventy-fourth Congress for enacting this bill.

We are about to create a law that will promote harmonious relations between employers and employees and prevent untold financial loss to both classes by the elimination of unnecessary industrial strikes. This bill is confined to the elimination of practices which burden or obstruct interstate commerce and is set forth in the committee report. "These words have received repeated recognition in court decisions as in the basis for Federal jurisdiction." Let me say to the employer of labor, no doubt many of you have been victims of unscrupulous, racketeering labor leaders who have tapped you financially under the threat of calling a strike or inciting rebellion among your employees, when no real or legitimate reason necessitated calling a strike. This type of labor leader is few in number and brings odium among the entire labor movement. It is my opinion that this bill is broad enough in its language and construction to eliminate this obnoxious practice, because any attempt on the part of any person to willfully restrain, prevent, impede, or interfere with any member of the national labor relations board, or any of its agents, or agencies, in the performance of their duties, will hold the individual subject to criminal prosecution.

This act cannot and will not interfere with the harmonious relations of those employers, and there are many of them, who treat their employees as human beings, consider them as partners in a joint enterprise and share with them their profits. If the employer class as a group would adhere to this standard there would probably be no need of organized labor today, but unfortunately the greed and selfishness of individuals have asserted themselves since we became the great industrial Nation dealing in terms of mass production.

In many parts of this country men are scrapped at 45 and denied the opportunity to earn a living. In sections not far distant from the Nation's Capital little children have to stand for hours in factories for a mere pittance a day attending the textile and other industries. The amendment to the Constitution seeking to bring about the abolishment of child labor has not yet been adopted, and in many States political influence of those individuals who enjoy profit at the expense of the destruction of the bodies of little children is still strong enough to declare for the right to do as they please under the theory of State sovereignty.

These industrial chain gangs of States, well known to many of us who have studied the question, must be destroyed. They are only comparable to the uncivilized method of prison reformation that displays itself in chain gangs where human beings are locked together while in the performance of labor along the highway of the jurisdiction that has supervision over them. In proportion to the gains secured by organized labor, the unorganized group of the country benefit accordingly. There is always a stiff and bitter fight for organized labor to bring about remedial and humane legislation beneficial to mankind in general.

Practically all of the industrial States now have workmen's compensation acts which insure to the industrial worker medical care and financial aid when they are incapacitated through injury from accident in the course of their employment, and to their beneficiary in case of death there is paid compensation for the loss of life. The workmen's compensation laws, when properly administered, are beneficial to labor and capital. No employer of labor would dare go back to the old days that existed prior to the adoption of the workmen's compensation. The same element who opposed, as I stated, all progressive legislation beneficial to the workers are again knocking at the door of the Capitol urging the defeat of this measure. The distinguished former standard bearer of the Democratic Party and former Governor of the State of New York, the Honorable Alfred E. Smith, in his recent book on Government makes special reference to the opposition of groups I referred to you today to the many progressive measures that have been adopted in the Empire State and other States in the past quarter of a century; were predicating their opposition and stubbornness on the ground that "They just did not know what it was all about." In a charitable vein I am inclined to agree with the author's analysis and conclusion.

The employer of labor is entitled to a fair return on his investment, but never to abnormal profits at the expense of those who create the products he produces. History is in the making today for this Congress, and I am glad to register my voice and vote in behalf of this measure, which I sincerely believe to be for the best interests of capital and labor. [Applause.]

[Here the gavel fell.]

Mr. CONNERY. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FADDIS].

Mr. FADDIS. Mr. Chairman, I am concerned about this bill because of its benefits to labor. I am concerned about it because I believe it will be beneficial to the employers of labor. I am more concerned about it because of the good I believe it will do for the general public of the United States. I believe this is a piece of legislation that will do away with the disastrous labor disputes that the public of the United States has been exposed to for so many years, and, after all, it is the general public of the United States that eventually pays the bill for these disastrous labor disputes. That is one of the primary reasons I am for the bill. I believe it will remove the uncertainty of labor conditions from the general public of the United States, and that it will place business on a more stable basis. I am not here to legislate for labor. I am not here to legislate for capital. I am here to legislate for what I believe to be the interests of the people of this Nation as a whole. In the final analysis, we all belong to that great body, the American public. We have heard a great deal here today about the constitutional features of

this bill, employers' rights, State rights, and other rights, but we in the United States should be fundamentally concerned about human rights. Whether they come from States, nations, constitutions, or from whence is immaterial, so they come, but come they must. This is a bill that will give to the laboring men of the United States the right of collective bargaining, and it will set up a tribunal which will force the two contending parties concerned in labor disputes to get together around a table peaceably and arrive at a solution of their difficulties.

We have in this Nation a great body of well-intentioned men and women who are constantly striving to promote international peace. Theirs is a very worthy cause, indeed. Let us first rid our own Nation of the curse of industrial warfare. Let us guarantee to our industrial soldiers the rights to which they are entitled under our Constitution in its preamble. This preamble, among other things, states that the purpose of the Constitution is to promote the general welfare. In my mind that is the prime purpose of the Constitution, and if it cannot do that it certainly fails in its purpose.

We cannot have peace and tranquillity and a more perfect Union unless we insure the welfare of the masses of our people. The right to organize, the right to voice their grievances and to be represented by representatives of their own choosing is essential to the welfare of labor. Every measure ever passed to improve the conditions of labor has been passed over the strenuous objections of capital. After these measures have been in force a short time capital has come to realize their value and has endorsed them. I make the prediction that this bill will be no exception.

[Here the gavel fell.]

Mr. CONNERY. Mr. Chairman, I yield 10 minutes to the gentleman from Georgia [Mr. TARVER].

Mr. TARVER. Mr. Chairman, in connection with the general permission which has been granted by the Committee to revise and extend remarks, I ask unanimous consent to include in the extension of my remarks a short editorial from the Atlanta Constitution.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. TARVER. Mr. Chairman, I wish it were possible for me to adopt the view which seems to be entertained by the gentleman from Oregon [Mr. EKWALL], as to the duties of a Member of this House in determining for himself as best he can the question of the constitutionality of legislation which he undertakes by his vote to write upon the statute books of this country. As I understood the gentleman in his address he professed no very great concern over the question of whether or not this proposed legislation may be in accordance with the Constitution, but said if there were any portions which in their execution by administrative authority should be in violation of the Constitution the courts would promptly hold them unconstitutional and thereby afford relief. In other words, if this philosophy is to be carried out, the Members of this House may vote for any sort of legislation which is proposed, although in their own judgment it may be clearly in violation of the Constitution of our country and take the position that the courts are not going to enforce it anyway on account of its being unconstitutional, therefore their having voted for it and written it upon the statute books will do no harm. I am unable to feel that I can properly discharge the responsibilities which devolve upon me as a Member of this House and adopt that course.

I hope that the concerted effort about which we read in the press to avoid a roll call on this bill will not materialize, although I have reason to believe it will. It is hard to conceive of 435 men passing a bill of this importance and not as many as one-fifth of them, the necessary proportion to call the roll, being willing for their constituents to know how they voted. Surely no man on an issue of this sort would expect to play both ends against the middle and try to convince those constituents favoring the legislation that he voted for it, and those opposing it that he voted against it. It is a time when good conscience requires that every Member of Congress let his people know at least how he votes on legislation of this kind.

If I were to vote for this bill, I would feel that I was false to the interests of the American laboring man, false to the welfare of industry without which the laboring man himself cannot survive, and I am very sure that I would be false to my oath to uphold and support the Constitution of the United States, as I understand it.

I yield to no man in my devotion to the cause of labor. I have never believed and I do not now believe that our real producers of wealth, in the factory, the mine, and on the farm, have received an adequate share of the products of their toil. I have never failed, and I shall never fail, so long as I am a Member of this body, to vote for legislation which has a tendency to bring to them a greater measure of justice. But I shall not vote to hand to the American workingman a legislative lemon, incapable of enforcement because it is in violation of the Constitution, and therefore calculated only to stir up trouble in industry from which the working classes will suffer more than anybody else, and from which they cannot possibly derive any benefit.

I know this bill is going to pass overwhelmingly. I know that my vote for or against it will make no difference as to its ultimate fate. I am aware that my vote against it will be heralded far and wide in my district as a vote against labor, and that many union men will feel that I have not supported their interests. I realize that the safest political course to take would be to say as perhaps other men are saying today, "I cannot affect the result here by my individual vote, therefore there is no reason why I should consider anything other than my political future, and I shall go along with the tide."

I do not feel that I can take that course and discharge my duty to the men and women who toil in the factories in my district. I do not feel that I can do that, and lie down at night with the feeling that I have been honest with my country and my God. Without regard to when my services here may end, I will go out with the knowledge that during my term of service I have never cast a vote for the sake of political expediency, or knowingly betrayed the real interests of those whom I represent.

I said that this bill is a legislative lemon, and that it will result in no benefit to the workingman. If I am correct in that statement, every workingman ought to approve my vote against it.

I say the courts will not enforce it, because the Supreme Court of the United States has just finished saying once again that Congress is without power under the Constitution to regulate conditions of labor, hours, and wages in intrastate employment. It has been said that an effort has been made to bring this bill within the language of the recent N. R. A. decision in the Schechter case. The only effort that I can see is the stump speech made in section I of the amended bill, which amounts merely to somebody's arguments as to why the Supreme Court was wrong. The author of this argument undertakes to say, among other things, that matters affecting the prices of raw materials, or manufactured goods, which enter commerce between the States, or affecting wages and employment, directly relate to interstate commerce; and yet the Supreme Court has said in the N. R. A. decision:

> The apparent implication is that the Federal authority under the commerce clause should be deemed to extend to the establishment of rules to govern wages and hours in intrastate trade and industry generally throughout the country, thus overriding the authority of the States to deal with domestic problems arising from labor conditions in their internal commerce.
>
> It is not the province of the Court to consider the economic advantages or disadvantages of such a centralized system. It is sufficient to say that the Federal Constitution does not provide for it.

This bill undertakes to distinguish, in a half-hearted way, between Federal regulation of labor disputes and Federal regulation of hours, wages, and working conditions, but these are inseparably interwoven. Strikes arise over labor conditions, hours, and wages. If the Federal Government admittedly cannot regulate the conditions, hours, and wages, by what rule of logic can it regulate disputes concerning

them? It is said that the only attempted regulation is to guarantee the right of collective bargaining. I do not agree with that contention, but even if it were true, the bill must be based upon the claim of a right to regulate, and if regulation may be had in one way, it inevitably follows that it may be had in any way that Congress may decide upon. There can be no piecemeal jurisdiction. If the Federal Government can regulate strikes in any way upon the ground that they directly interfere with interstate commerce, then it can necessarily regulate anything tending to cause strikes, such as wages and hours of employment, for the same reason. It either cannot enter the field at all or it has complete jurisdiction. The Supreme Court has expressly said that manufacturing is essentially local, and that Congress has no right to regulate it. Also, in the language I have quoted, it has held as reserved to the States the authority to "deal with domestic problems arising from labor conditions in their internal commerce." What is this bill but an attempt to override the Constitution as construed by the Supreme Court?

The legal arguments in favor of the constitutionality of the bill are based largely upon a line of decisions discussed by the Supreme Court in the N. R. A. case, and by it differentiated from the rulings it there announced. Dealing with conspiracies to prevent goods entering interstate commerce, or to monopolize interstate commerce in goods, is a very different thing from undertaking to deal with the purely local conditions surrounding manufacture. I shall not discuss these decisions in detail. It is, I think, sufficient to say that there are few lawyers in this body who regard this bill as constitutional under the N. R. A. decision, and most of the legal support for it comes from members who have received their legal training in other lines of endeavor than in the legal profession.

I believe in the right of employees to organize, to join unions of their own choice, and to bargain collectively. I will vote for such legislation if it relates only to interstate commerce or activities directly affecting interstate commerce. But I cannot vote for a bill which enters a field where the Supreme Court has expressly and definitely said we cannot go—that it is reserved to the jurisdiction of the States. This bill by its broad terms covers the attempted regulation of strikes, and of collective bargaining, and of formation of labor unions, in every activity, interstate or local, even in those small businesses that never ship a dollar's worth of goods in interstate commerce. The first Federal court into which a complaint is brought on account of an unfair trade practice will, if the employer raises the point, probably declare it unconstitutional. When the question reaches the Supreme Court, there can be no reasonable doubt but that that body will hold the law invalid. In the meantime, thousands of labor disturbances will have arisen, and the workingmen, seeking relief under this bill, will not have gotten it. They will then realize that Congress for political purposes has "handed them a lemon."

How much fairer and more honest it would be to say, frankly, to the working people of this Nation, "This is the sort of law that only your State legislatures can pass. Anything we do along this line will be held invalid. If we attempt to do it, we are merely piling up trouble for you, with no prospect of benefit, and at the same time we are delaying you in your efforts to secure necessary laws of this character from the only source that can enact them under our Constitution—the legislatures of the various States." If we lawyers in this House were advising these working men and women as clients, that is what most of us would tell them; and I cannot conceive of any reason why a Member of Congress should be less honest with a constituent to whom he certainly owes the benefit of the best judgment he has than he would be with a client in a law office.

I made a speech against the passage of the National Recovery Act through this body and the reasons I then advanced for believing that law unconstitutional were in full accord with what was afterwards decided by the Supreme Court. I believe from the bottom of my heart that this bill you are passing today is just as much in violation of the Constitution as the National Recovery Act, and, believing that, I would be unworthy of the respect of every constituent I have if I did not stand up here and frankly say so. I will be found fighting for the laboring man when many of those who court his favor by advocating something they know can never be effective will be slipping a dagger under his fifth rib in the quiet places where legislation that is effective is oftentimes concocted and wheels oiled to secure its passage. Those who work for legislation in the quiet places do not work for the laboring man. When they want him to think they have done something for him, they go about it with the fanfare of trumpets. He will be wise if he tries out the goods they bring him before he makes up his mind whether they have helped him or not. The proof of the pudding is in the eating.

Under permission granted me, I am inserting at this point the editorial from the Atlanta Constitution, which relates, generally, to the dangers now faced in this country from the threatened usurpation of State rights by the Federal Government:

WHERE ARE THEIR TONGUES?

In his recent address before the Farm Clubs of America, Secretary of Agriculture Wallace made the bold assertion that "we are passing through times when there must be greater emphasis on the Federal Government than on the interests of the several States."

In arguing the necessity for careful study of "the question of State or Federal dominance in the field of government", he takes the further position that "if we are to have a strong nation, we must discover to what extent we must delegate powers to the individual States and to what extent keep them in Federal hands."

Secretary Wallace overlooks the fact that it is not within the province nor the power of the National Government to "delegate" to the States rights and powers that are guaranteed to them under the Constitution.

It is unfortunate that certain of the self-appointed spokesmen of the administration are pressing the subject of further centralization of power in Washington at the expense of the reserved rights of the States.

Professor Tugwell, the no. 1 "brain truster", was the original proponent of this pernicious doctrine, and Secretary Wallace and others of the dreaming theorists who are now assuming to speak for the administration, have been quick to seize upon the proposal.

Fortunately, President Roosevelt has never, directly or indirectly, committed himself to the proposition that the States be forced to surrender the rights that are reserved to them by the Constitution.

Whether or not this agitation will go so far as to bring a direct proposal of a constitutional amendment, it is certain that it would be overwhelmingly voted down by Congress.

If submitted it would not be ratified by the States.

The President has been wise enough not to become ensnared in this dangerous mesh.

Already the Republicans are seizing upon the repeated utterances of some of the "brain trusters" as the basis of the outstanding issue of the campaign of next year. This is evidenced by the action of the so-called "grass roots" convention in which it was boldly proclaimed that the "principle of the rights of the States will be involved in the next national campaign." It was sounded as a pean of hope that this is to be the big issue of the Presidential contest.

Nothing that the President has ever said justifies such a conclusion.

Sooner or later, however, he will undoubtedly be put in a position where he will either have to go along with the Tugwells and the Wallaces or he must disown their pernicious activities in behalf of the creation of an empire with all power lodged in Washington and with the State lines practically eliminated.

It is a dangerous step and one that the people of the country will never agree to.

Senator WALTER F. GEORGE echoed the overwhelming sentiment of the country when in his recent commencement address at Georgia Tech he said:

"The ultimate preservation of the Union depends upon the retention unimpaired of the dual system of government set up by the Constitution. The liberty of the citizens rests at last upon local self-government; upon local institutions administered by local authority, responsive and responsible to local opinion. The decision of the Supreme Court does not call for amending the Constitution or for the surrender of the reserved powers of the States over the intimate personal, business, and social affairs of the people.

"The decision of the Court calls for the full assumption by Congress of its constitutional responsibility in the consideration of legislative proposals. Nothing but disaster lies ahead if those who know well the political theories of history and are yet lacking in the vital sense of the realities of life are permitted to shatter the American system of government and to attempt to remold it in accordance with their desires. It is yet our hope that these theorists, many of whom have encamped in Washington, will have their day and pass away."

In a recent editorial The Constitution called attention to the warning by Daniel Webster of the dangers of tampering with the

Constitution. He said in an address on the one hundredth anniversary of Washington's birth:

"Other misfortunes may be borne, or their effects overcome. If disastrous wars should sweep our commerce from the ocean, another generation may renew it; if it exhausts 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.

"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."

Every word of this is as true today as it was when it was uttered by Webster.

Where is the master mind in the United States Senate today who will utter a similar clarion call against the radical utterances of those who, as in Webster's day, would match their untried theories against the proven efficiency of the greatest governmental document ever written?

The Senate is not lacking in men who can sound a warning as powerful as that of Webster.

But where are their tongues?

Mr. WELCH. Mr Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. WOOD].

Mr. WOOD. Mr. Chairman, I think this is one of the most important pieces of legislation that the Seventy-fourth Congress has considered. It involves an age-old principle—the desire for freedom. Ever since human history began, in the days of absolutism, in the days of feudalism and serfdom, and finally, under our democratic and capitalistic system, the struggle of the ages has revolved around a desire for freedom, and all this bill is designed to do is to make men free.

There is nothing complicated about this measure that I can see. Everything that was in section 7 (a) that was designed to give men and women the right to organize is in this bill. The only difference between section 7 (a) of the National Recovery Act and this measure is that there was not sufficient enforcement machinery set up in the National Recovery Act to enforce section 7 (a), and I may say that even with all its imperfections, as I have stated before, the National Recovery Act was of the greatest value for recovery of any measure that has been enacted by the Seventy-third or Seventy-fourth Congress.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. WOOD. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. I thank the gentleman for that statement and I may bring it close to home in my State, when I remember that under the National Recovery Act, we put 30,000 unemployed miners to work.

Mr. WOOD. I am pleased to have the gentleman make that contribution.

Now, what does this proposed law do? It sets up a tribunal which is for the express purpose of enforcing the principles of this bill and of section 7 (a) of the National Recovery Act, which is to give the men the free and untrammeled right to organize and to bargain collectively, without coercion or intimidation on the part of the employer.

There is not anything new about this. We have listened to a great array of constitutional authority this afternoon. It is unfortunate we did not have the advantage of this great knowledge in the Seventy-third Congress. Probably, we would have enacted a law that would have been more nearly constitutional.

Now, some question has been raised about the Bedford Stone case. This stone was shipped throughout this country by the Bedford Co. Contractors made the contract to buy the stone, the stone was delivered, the operation was complete and the stone had been paid for and was sitting upon the ground ready to be set, and was to go into buildings in intrastate commerce, public buildings or State buildings of all types and kinds, as well as private structures; but because of the fact that the stone had been shipped from Bedford to some other point in the United States, the decision of the Supreme Court held that even though the transaction had been completed between the Bedford Stone Co. and the purchaser of the stone, and the stone had been delivered and was on the ground ready to be set, the stonecutters who refused to set the stone were hampering interstate commerce.

[Here the gavel fell.]

Mr. WELCH. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. WOOD. Now, in the Wright case, in 1885, the employees of a coal concern in Pennsylvania, which did not own any part or portion of any railroad, and where the mine was owned and operated wholly within the State of Pennsylvania, the employees had a controversy with their employer and the miners went on strike. A restraining order was applied for by the operator and the court then held that because of the fact this coal was destined for interstate commerce they were in violation of the interstate commerce laws in obstructing interstate commerce.

No one can tell whether this law is going to be constitutional or unconstitutional. No one can say what the Supreme Court is going to hold as to the constitutionality of the law. I say it is a very poor way to get around this legislation. I hope that those who are considering to vote one way or the other on this legislation will forget about the constitutionality of it and vote on the principle established in this measure.

This bill authorizes the National Labor Board to go to the employer; if the employer is against dealing in collective bargaining they are brought to the conference table. The employer is compelled to deal with them, and if they do not agree on wages and working conditions the employees can strike as they do today. [Applause.]

Mr. WELCH. I yield 2 minutes to the gentleman from Michigan [Mr. CRAWFORD].

Mr. CRAWFORD. Mr. Chairman, I take this opportunity to ask a question of the chairman of the committee. With a concern in my State operating 3 plants, shipping from 1 plant goods manufactured in interstate commerce for sale in other States, and retaining for distribution within the State goods that are manufactured in the other 2 plants. How would this bill affect that?

Mr. CONNERY. There would be a great question whether you are in interstate commerce or intrastate commerce. I cannot answer that off-hand.

Mr. CRAWFORD. This is a practical question. If the employees in the plant from which goods are shipped into other States organize and have a right to bargain collectively, and everything is harmonious between the owner and that group, and in the other two plants they did not desire to organize, and as a matter of fact refused to organize, would not that be another complication?

Mr. CONNERY. I do not think so. In the plant that shipped goods in interstate commerce the Board would have jurisdiction. As to the other two that refused to organize, I doubt whether the Board would go in.

Mr. Chairman, I yield 3 minutes to the lady from New Jersey [Mrs. NORTON].

Mrs. NORTON. Mr. Chairman and ladies and gentlemen of the Committee, we have heard from many eminent lawyers here regarding the constitutionality of the bill. I am not a lawyer; therefore, my opinion concerning that part of the bill means little. What I am concerned with is the human aspect of the bill. As I interpret the bill, it is a step in the right direction—to equalize conditions between employers and employees. It will give both employers and employees the right to settle their differences at a council table, instead of the deplorable resort to strikes that have kept the country in a turmoil.

We are living in a changing period. Conditions are not what they were when the Constitution was written. I have the greatest respect for the Constitution, but am enough of a realist to believe that we are living in an age that demands human legislation if we are to continue as a happy Nation—the type of legislation that this bill provides for, and as a member of the committee I sincerely hope that this bill will pass. [Applause.]

Mr. CONNERY. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. GILDEA].

Mr. GILDEA. Mr. Chairman, eternal vigilance is the price that the American workingman must pay for his

economic freedom. The Constitution was written as a result of direct action, a strike against the Stamp Act of Great Britain. In order to protect the rights of the American workingman under the Constitution and restore to him the right to collective bargaining which was taken away from him when section 7 (a) was nullified we have this bill today. I hope the Members of the House will pass the bill unanimously.

Mr. CONNERY. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. STACK].

Mr. STACK. Mr. Chairman, as a Representative of the great State of Pennsylvania, whose industries have been controlled by the moneyed interests of Mellon, Atterbury, and Grundy, I feel satisfied that the passage of this bill will be a step in the right direction; that the forgotten man of the happy warrior fame will be benefited immensely by its passage.

The working man and woman in my district need such legislation as this bill proposes and as their Representative, their servant, I shall be glad to support this bill and any other reasonable legislation that will help the working class.

Mr. WELCH. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. LORD].

Mr. LORD. Mr. Chairman, I have in my district a great many labor unions and railroad men. I have the second largest shoe factories in the world. We have the International Business Machines Co., that employs thousands of men and women. The Business Machines Co. is a nonunion shop and the shoe factories are nonunion shops. I want what is best for both union and nonunion, and let them decide for themselves. About 20,000 men and women are employed in the shoe factories. If this bill is passed, I want to know whether the shoe factories' union workers in the Eastern States can bring our shoe factories into the union without their consent? I ask that of the chairman of the committee.

Mr. CONNERY. I did not quite get the gentleman's question.

Mr. LORD. I have large shoe factories in my district. They are nonunion, and they want to remain nonunion. Is there any way through the operation of this bill that they could be brought into the union?

Mr. CONNERY. Why, no. If they want to stay nonunion, there is nothing in the bill to interfere with that.

Mr. LORD. I understand that you can create a district of the shoe manufacturers of Massachusetts and New York States, for instance, and that by that district they can be brought in without their consent.

Mr. CONNERY. Oh, no. Nobody can force the workers in any plant to join a union who do not want to join it.

Mr. LORD. Cannot they make this a union district?

Mr. CONNERY. No.

Mr. LORD. I think this bill says they can.

Mr. CONNERY. No; the gentleman is mistaken. There is nothing in the bill here that says that.

Mr. TABER. If the gentleman will yield, paragraph (b) of section 9 does just that.

Mr. LORD. That is the way I read it, and that is the reason I asked the question.

Mr. MARCANTONIO. Under that paragraph the Board is given authority to define what a unit is and where the election of representatives is to take place, but that does not in any way compel an employee to join any particular unit. The gentleman is confusing the term "unit" with "union."

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. LORD. Yes.

Mr. TABER. Here is the situation: If they fix the unit of bargaining so that it covers the gentleman's factories as well as the others, the result of the bargaining will be binding on them.

Mr. CONNERY. Mr. Chairman, will the gentleman yield?

Mr. LORD. Yes.

Mr. CONNERY. The gentleman is misinformed in that matter. The purpose of that amendment is when they have an election in a plant and there are three or four different sorts of unions, or nonunions, the Board may settle which one will be the collective-bargaining unit.

Mr. LORD. This is just what I contend. As the gentleman from New York [Mr. TABER] has pointed out, paragraph (b) of section 9 allows the Board to form a unit or area and decide the policy of the shops without the consent of the workers. They can include in that area or unit the factories of Massachusetts and the other Eastern States and compel our factories in Binghamton, Endicott, and Johnson City to become union shops against their own wishes.

Few, if any, shoe manufacturers have as high weekly wage as our workers have. They are happy and contented and want to remain so.

I have no objection to any workers joining a union if they so desire, but I do not want this law passed, as this section is without amendment.

The workers in our factories want to decide for themselves and not have some board do it for them.

I hope this section may be eliminated from the bill.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WELCH. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. MEAD].

Mr. MEAD. Mr. Chairman, the bill which we are considering this afternoon, known as the "Wagner-Connery labor-disputes bill" is more necessary now perhaps than when it was originally introduced. That condition has been brought about by the recent action of the Supreme Court in invalidating the National Recovery Act. This measure restores collective bargaining. It creates a democracy within industry which gives to our industrial workers the same general idea of freedom which the founding fathers conferred upon citizens of the United States. It prohibits force and intimidation and leaves men to organize or remain unorganized as they shall desire. It will in no way force the small manufacturer in any section of the United States to organize either a bona fide union or a company union within his plant. It merely gives to the workers in both the large and the small plants, in the unorganized plant and in plants where there are company unions, an opportunity to decide for themselves and among themselves without interference the question as to whether or not they want a union and just what nature or character of a union they will have.

This is a practical question and one of the most important and serious questions that we have been called upon to decide at this session of Congress. Human rights, as well as the contentment and happiness and prosperity of our people are involved in this question. I assume that every Member believes in the right of collective bargaining so far as it applies to and concerns the efforts of labor. There are some, however, who may be reluctant to vote for this bill because of its apparent invasion of the rights of our States. There are others who may find fault with it on constitutional grounds. To the former I will say that this measure is intended to apply to those workers whose employment either directly or indirectly comes under the commerce clause of the Constitution. So far as I am concerned I find ample authority for its constitutionality in the action taken by the Senate when this measure came before that body for final action. After listening to a brilliant and scholarly address by the junior Senator from my State, whose record as a jurist and a constitutional authority measures up with the best in the land, the other body overwhelmingly approved this measure, in fact opposition collapsed and there were but few speeches made against the bill and but a handful of votes recorded in the opposition. Those of you who may be doubtful as to its constitutionality, I suggest that you read the speech of the author of the Senate bill and also look over the vote recorded for the bill, which will be found on page 7681 of the CONGRESSIONAL RECORD of May 16.

The question of State rights is one frequently injected into the discussion of reform measures and in some instances with the same degree of consistency as are these constitutional arguments. There are some who have always held to the theory of State rights, others who have long been de-

fenders of the philosophy of the Federalists, but there are those also to be found who are champions of State rights where State rights means little or no control. There are those who plead the cause of the Federalists when State rights is the only effective instrumentality to meet existing conditions.

I am for State rights when State rights meet the needs of our time, but I believe in the Federal authority when that is the only authority that can bring justice to the masses of our people. In the beginning of our country's history, when factories were small and interstate commerce was almost unheard of, when the carrier pigeon was the fleetest means of communication, when law and authority was promulgated by the free men meeting in the town hall, State rights could protect the workers of our country. The Federal authority was remote and removed and its interference was very properly resented because of the conditions that existed at that time. But today the situation is entirely different.

The rapid growth and development of industry, the concentration of wealth in the hands of a few, the uneven distribution of the wealth produced in the country, the modern methods of communication and transportation, the compounding of intrastate factory units into the national and international industrial organizations, all this has brought about a compelling change in matters such as we are considering in this proposed legislation.

In the old days it was the poor master and the poorhouse for those without funds who were unable to work. Today, by demand of the States, by no action on the part of the federalists or advocates of State rights, the Government was compelled to take over the relief load of the Nation and to provide not only food and clothing but work for the stricken millions of those who were in need throughout every State in the Union. If it is the duty of the Federal Government to assume the tremendous burden associated with the care of our unemployed, then it is likewise the right of the Federal Government to see to it that work opportunities are provided for the citizens of our country. Reform in the economic life of the country is necessary, reform is taking place in every nation in the world, legislation similar to this has been or is being considered in the democratic nations of the world, and by reform we mean and they mean more protection for the masses and more protection is needed because of the changed world in which we are living.

Twenty-five years ago there was one small factory in this country for every 250 people. In 1930 there was only one such factory for every 1,000 people. Thirty years ago 50 percent of the manufacturers in the United States were small enterprises and each produced less than $20,000 worth of goods every year. In 1929, 200 huge corporations owned one-half of the total corporate wealth of America and in 1931, 100 industrial corporations controlled one-third of the total industrial wealth of this country. During all this time the productivity of the individual worker increased enormously and at the same time his real wages diminished out of all proportion, and yet the profits produced by this system increased in an unwarranted degree. This division of wealth can only be solved by the direct intervention of Government exercising its control over commerce and industry or by strengthening the bargaining power of the worker, which is the intent and purpose of this measure.

We cannot continue to permit industry to grow more powerful and at the same time thwart the efforts of the workers to secure a fair share of the fruits of their labors. Every authority worth mentioning in this debate has not only advocated the right of collective bargaining for labor but they have likewise informed us that our economic troubles are caused by an uneven and an unfair distribution of the wealth which labor produces. In the past too much has been utilized for capital expansion, too little has been given to the workers to buy the goods which they produced.

We will not solve our problems by advocating State rights or Federal control. Both have there proper sphere of authority. We must get down to the fundamentals.

Mr. WELCH. Mr. Chairman, this bill, which is evidently very much misunderstood, does two things·

First. It seeks to make effective the right of employees to organize and engage in collective bargaining.

Second. It defines what is improper or unfair for the employer to do in trying to prevent the accomplishment of that objective.

It does not require an employer to sign any contract, to make any agreement, to reach any understanding with any employee or group of employees. The board created in the bill is not empowered to settle labor disputes; nothing in the bill allows the Federal Government or any agency to fix wages, regulate rates of pay, limit hours of work, or to effect or govern any working condition in any establishment or place of employment.

Nothing in the bill requires any employee to join any form of labor organizations nor does it require any group of employees to organize; it does not require an employer to compel his employees to organize.

These are facts which seem to be misunderstood. This bill is designed to put into force and effect the principle of collective bargaining. It goes no further than has been advocated by many great organizations.

May I say to my Republican colleagues that this measure carries into effect a plank in the Republican National Convention platform which reads as follows:

> Collective bargaining by responsible representatives of employers and employees of their own choice, without the interference of anyone is recognized and approved.

That is the language of the last Republican National Convention.

The right of collective bargaining has been subscribed to by many of the greatest minds this world has ever produced. Abraham Lincoln; Pope Leo XIII; William E. Gladstone; Bismarck, the great Iron Chancellor; Theodore Roosevelt; Woodrow Wilson; Daniel E. Willard, president of the Baltimore & Ohio Railroad; Sir Henry Thornton, head of the Canadian National Railways—all of those great men have subscribed to the policy of collective bargaining.

I confidently say to my colleagues that if this bill is written into the statute books of the United States and after it is placed in operation and thoroughly understood, there would not be 20 votes in this House to repeal it.

The bill should have no opposition. [Applause.]

Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts, the chairman of the committee, Mr. CONNERY.

Mr. CONNERY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ARNOLD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 1958 and had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT—TAXATION (H. DOC. NO. 229)

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries.

The SPEAKER laid before the House the following message from the President of the United States, which was referred to the Committee on Ways and Means and ordered to be printed.

To the Congress of the United States:

As the fiscal year draws to its close it becomes our duty to consider the broad question of tax methods and policies. I wish to acknowledge the timely efforts of the Congress to lay the basis through its committees for administrative improvements, by careful study of the revenue systems of our own and of other countries. These studies have made it very clear that we need to simplify and clarify our revenue laws.

The Joint Legislative Committee, established by the Revenue Act of 1926, has been particularly helpful to the Treasury Department. The members of that committee have generously consulted with administrative officials, not only

on broad questions of policy but on important and difficult tax cases.

On the basis of these studies and of other studies conducted by officials of the Treasury, I am able to make a number of suggestions of important changes in our policy of taxation. These are based on the broad principle that if a government is to be prudent its taxes must produce ample revenues without discouraging enterprise; and if it is to be just it must distribute the burden of taxes equitably. I do not believe that our present system of taxation completely meets this test. Our revenue laws have operated in many ways to the unfair advantage of the few, and they have done little to prevent an unjust concentration of wealth and economic power.

With the enactment of the income-tax law of 1913 the Federal Government began to apply effectively the widely accepted principle that taxes should be levied in proportion to ability to pay and in proportion to the benefits received. Income was wisely chosen as the measure of benefits and of ability to pay. This was and still is a wholesome guide for national policy. It should be retained as the governing principle of Federal taxation. The use of other forms of taxes is often justifiable, particularly for temporary periods; but taxation according to income is the most effective instrument yet devised to obtain just contribution from those best able to bear it and to avoid placing onerous burdens upon the mass of our people.

The movement toward progressive taxation of wealth and of income has accompanied the growing diversification and interrelation of effort which marks our industrial society. Wealth in the modern world does not come merely from individual effort; it results from a combination of individual effort and of the manifold uses to which the community puts that effort. The individual does not create the product of his industry with his own hands; he utilizes the many processes and forces of mass production to meet the demands of a national and international market.

Therefore, in spite of the great importance in our national life of the efforts and ingenuity of unusual individuals, the people in the mass have inevitably helped to make large fortunes possible. Without mass cooperation great accumulations of wealth would be impossible save by unhealthy speculation. As Andrew Carnegie put it:

> Where wealth accrues honorably, the people are always silent partners.

Where it be wealth achieved through the cooperation of the entire community or riches gained by speculation—in either case the ownership of such wealth or riches represents a great public interest and a great ability to pay.

I

My first proposal, in line with this broad policy, has to do with inheritances and gifts. The transmission from generation to generation of vast fortunes by will, inheritance, or gift is not consistent with the ideas and sentiments of the American people. [Applause.]

The desire to provide security for one's self and one's family is natural and wholesome, but it is adequately served by a reasonable inheritance. Great accumulations of wealth cannot be justified on the basis of personal and family security. In the last analysis such accumulations amount to the perpetuation of great and undesirable concentration of control in a relatively few individuals over the employment and welfare of many, many others.

Such inherited economic power is as inconsistent with the ideals of this generation as inherited political power was inconsistent with the ideals of the generation which established our Government.

Creative enterprise is not stimulated by vast inheritances. They bless neither those who bequeath nor those who receive. As long ago as 1907, in a message to Congress, President Theodore Roosevelt urged this wise social policy:

> A heavy progressive tax upon a very large fortune is in no way such a tax upon thrift or industry as a like tax would be on a small fortune. No advantage comes either to the country as a whole or to the individuals inheriting the money by permitting the transmission in their entirety of the enormous fortunes which would be affected by such a tax; and as an incident to its function of revenue raising, such a tax would help to preserve a measurable equality of opportunity for the people of the generations growing to manhood.

A tax upon inherited economic power is a tax upon static wealth, not upon that dynamic wealth which makes for the healthy diffusion of economic good.

Those who argue for the benefits secured to society by great fortunes invested in great businesses should note that such a tax does not affect the essential benefits that remain after the death of the creator of such a business. The mechanism of production that he created remains. The benefits of corporate organization remain. The advantage of pooling many investments in one enterprise remains. Governmental privileges such as patents remain. All that is gone is the initiative, energy, and genius of the creator—and death has taken these away.

I recommend, therefore, that in addition to the present estate taxes there should be levied an inheritance, succession, and legacy tax in respect to all very large amounts received by any one legatee or beneficiary; and to prevent, so far as possible, evasions of this tax, I recommend further the imposition of gift taxes suited to this end.

Because of the basis on which this proposed tax is to be levied and also because of the very sound public policy of encouraging a wider distribution of wealth, I strongly urge that the proceeds of this tax should be specifically segregated and applied, as they accrue, to the reduction of the national debt. By so doing we shall progressively lighten the tax burden of the average taxpayer, and, incidentally, assist in our approach to a balanced budget.

II

The disturbing effects upon our national life that come from great inheritances of wealth and power can in the future be reduced, not only through the method I have just described but through a definite increase in the taxes now levied upon very great individual net incomes.

To illustrate: The application of the principle of a graduated tax now stops at $1,000,000 of annual income. In other words, while the rate for a man with a $6,000 income is double the rate for one with a $4,000 income, a man having a $5,000,000 annual income pays at the same rate as one whose income is $1,000,000.

Social unrest and a deepening sense of unfairness are dangers to our national life which we must minimize by rigorous methods. People know that vast personal incomes come not only through the effort or ability or luck of those who receive them, but also because of the opportunities for advantage which government itself contributes. Therefore, the duty rests upon the Government to restrict such incomes by very high taxes.

III

In the modern world scientific invention and mass production have brought many things within the reach of the average man which in an earlier age were available to few. With large-scale enterprise has come the great corporation, drawing its resources from widely diversified activities and from a numerous group of investors. The community has profited in those cases in which large-scale production has resulted in substantial economies and lower prices.

The advantages and the protections conferred upon corporations by Government increase in value as the size of the corporation increases. Some of these advantages are granted by the State which conferred a charter upon the corporation, others are granted by other States which, as a matter of grace, allow the corporation to do local business within their borders. But perhaps the most important advantages, such as the carrying on of business between two or more States are derived through the Federal Government—great corporations are protected in a considerable measure from the taxing power and the regulatory power of the States by virtue of the interstate character of their businesses. As the profit to such a corporation increases, so the value of its advantages and protections increases.

Furthermore, the drain of a depression upon the reserves of business puts a disproportionate strain upon the modestly capitalized small enterprise. Without such small enterprises our competitive economic society would cease. Size begets monopoly. Moreover, in the aggregate these little businesses furnish the indispensable local basis for those Nation-wide markets which alone can insure the success of our mass-production industries. Today our smaller corporations are fighting not only for their own local well-being but for that fairly distributed national prosperity which makes large-scale enterprise possible.

It seems only equitable, therefore, to adjust our tax system in accordance with economic capacity, advantage, and fact. The smaller corporations should not carry burdens beyond their powers; the fast concentrations of capital should be ready to carry burdens commensurate with their powers and their advantages.

We have established the principle of graduated taxation in respect to personal incomes, gifts, and estates. We should apply the same principle to corporations. Today the smallest corporation pays the same rate on its net profits as the corporation which is a thousand times its size.

I therefore recommend the substitution of a corporation income tax graduated according to the size of corporation income in place of the present uniform corporation-income tax of 13¾ percent. The rate for smaller corporations might well be reduced to 10¾ percent and the rates graduated upward to a rate of 16¾ percent on net income in the case of the largest corporations, with such classifications of business enterprises as the public interest may suggest to the Congress.

Provisions should, of course, be made to prevent evasion of such graduated tax on corporate incomes through the device of numerous subsidiaries or affiliates, each of which might technically qualify as a small concern, even though all were in fact operated as a single organization. The most effective method of preventing such evasions would be a tax on dividends received by corporations. Bona fide investment trusts that submit to public regulation and perform the function of permitting small investors to obtain the benefit of diversification of risk may well be exempted from this tax.

In addition to these three specific recommendations of changes in our national tax policies, I commend to your study and consideration a number of others. Ultimately we should seek through taxation the simplification of our corporate structures through the elimination of unnecessary holding companies in all lines of business. We should likewise discourage unwieldy and unnecessary corporate surpluses. These complicated and difficult questions cannot adequately be debated in the time remaining in the present session of this Congress.

I renew, however, at this time the recommendations made by my predecessors for the submission and ratification of a constitutional amendment whereby the Federal Government will be permitted to tax the income on subsequently issued State and local securities, and likewise for the taxation by State and local governments of future issues of Federal securities. [Applause.]

In my Budget message of January 7 I recommended that the Congress extend the miscellaneous internal-revenue taxes which are about to expire, and also to maintain the current rates of those taxes which, under the present law, would be reduced. I said then that I considered such taxes necessary to the financing of the Budget for 1936. I am gratified that the Congress is taking action on this recommendation. [Applause.]

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *June 19, 1935.*

LABOR-DISPUTES LEGISLATION

Mr. CONNERY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 1958) 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.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 1958, with Mr. ARNOLD in the chair.

The Clerk read the title of the bill.

Mr. CONNERY. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. EAGLE].

Mr. EAGLE. Mr. Chairman, I am for this bill unreservedly; I am for this bill with all my heart.

When the Supreme Court struck down N. R. A. it struck down the highest hope of the laboring people of America. It struck it down, however, because in the National Industrial Recovery Act the Supreme Court said the Congress had overstepped its constitutional power by delegating legislative authority to a board, a bureau, or a commission. Reactionaries upon this floor today in arguing against the constitutionality of this measure have pretended that it falls within the category of the Schechter case. They are not familiar with this bill, else they could not and doubtless would not say any such thing.

In this bill we are merely providing five things that we declare as a matter of law constitute labor abuses, unfair labor practices. We ourselves are declaring specific things that are unfair labor practices. Then we set up a board to ascertain states of facts to apply to such legally declared unfair labor practices; and if they find such unfair labor practices as a matter of fact, they then apply the machinery we set up in this bill.

Mr. Chairman, every man here on the Democratic side and every man here on the Republican side, whether he knows it or not, is unconsciously, or else knowingly, in one of two categories. He is either for giving bigger and bigger unreasonable dividends to capital at the expense of those who toil or he is in favor of taking care of the proper rights of those who toil before the larger dividend is passed on to capital. [Applause.]

Before our committee it developed that four cigarette companies—Camel, Lucky Strike, and two others—in the 10-year period from 1924 to 1934, paid their officers exorbitant salaries like $50,000, $100,000, and $150,000, and even more, per year; paid tobacco growers in seven States less and less and less until they were pauperized; let out between one-third and one-half of their employees on account of improved machinery; and, after paying all costs of labor and all shipping charges and all taxes, local, State, and Federal, declared and paid in dividends upon their watered stock the aggregate of $779,000,000; and did that during a time when their chiseling, contemptible, lying, stealing, thieving company unions chiseled in and denied the honest right of collective bargaining to a single independent union in their plants.

Mr. CONNERY. Mr. Chairman, will the gentleman yield?

Mr. EAGLE. I yield.

Mr. CONNERY. They made $779,000,000 of profit in 10 years, and their labor costs were 2 percent. These facts were testified to before our committee.

Mr. EAGLE. They decreased the wage per hour successively year after year and increased the hours of labor year after year. [Applause.]

[Here the gavel fell.]

Mr. CONNERY. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. TRUAX].

Mr. TRUAX. Mr. Chairman, we have heard a lot today from constitutional lawyers. I direct attention to the fact that the Constitution of the United States of America was drawn and drafted while Thomas Jefferson, the author of the Declaration of Independence, was away in France serving as Minister to that country. Upon his return, Thomas Jefferson, whom we all honor, love, and revere, said that the Constitution was not broad enough; and he offered 12 amendments, 10 of which were adopted by the First Congress assembled. These are now known as the "Bill of Rights."

Thomas Jefferson said: "If the Constitution is not right let us amend it." I say that again that day has arrived. Today we listened to a document penned by the President of the United States which is a new bill of rights, a new declaration of independence, if you please. [Applause.] You Republicans will be booing more than that in 1936, and there will be less of you to do it. This is a new declaration of rights, because it undertakes to redistribute the ill-gotten wealth of the millionaire crowd of this country who today are opposing another bill of rights, the Wagner-Connery bill, which is an emancipation for American labor. As Lincoln freed the blacks in the South, so the Wagner-Connery bill frees the industrial slaves of this country from the further tyranny and oppression of their overlords of wealth.

They talk about the Constitution. If I felt the way some of the constitutional lawyers feel about the Constitution and about the decisions of the Supreme Court, I would be in favor of abolishing the Congress and letting the Supreme Court do the legislating for the people of this country.

Mr. Chairman, do you not know if you gave the people of this country a vote on some of these decisions of the Supreme Court, the people would swamp the Supreme Court into oblivion by a vote of 100 to 1? So long as the Supreme Court is abreast of the times and so long as they think in terms of humanity, then I say uphold the Court; but when they change those functions and think in terms of property rights, then it is time for another and more drastic amendment to this great Constitution of ours.

The old fight is embroiled. We see the same old faces that oppose all progressive humanitarian legislation. I say to my friend the gentleman from Texas [Mr. BLANTON] that the message of the President of the United States which has just been read is an answer to the argument that the gentleman made against the passage of this bill. It is an answer to every one of the constitutional lawyers, and may I say to them: What are you going to do with this sacred old Constitution? You cannot eat it, you cannot wear it, and you cannot sleep in it. [Applause.]

S. 1958, the bill being considered today, commonly referred to as the "Wagner-Connery bill", is designed 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. The reasons and justifications for the act are found in these two elemental premises. The two greatest producing classes of this country are the farmers and wage workers, who create all wealth and ultimately pay all the taxes. For the past 30 years both of these wealth-producing and taxpaying classes have been exploited by millionaire overlords and racketeering bankers. The money lenders and Shylocks like scavengers of these human derelicts brought wholesale and instant foreclosure of farms and homes. In many cases they have plucked the feathers and picked the bones clean. As an effective answer to the majority of these human vultures, the Roosevelt administration sponsored and the Seventy-third and Seventy-fourth Congresses created the Agricultural Adjustment Act, needed amendments to which were adopted Monday; the Farm Credit Administration for the relief and benefit of farmers; the National Industrial Recovery Act for the benefit of industrialists; banking legislation for the benefit of bankers and capitalists; the Home Owners Loan Corporation for the relief and salvation of stricken home owners.

To complete this circle of relief and protection, establishment of a national labor relations board which is a quasi-judicial body for labor with full power and authority to enforce the findings and the rulings is necessary. This bill is the first one to provide for a peaceful forum for both industry and labor and to benefit not only employees but employers and the people at large. It was designed originally to put teeth in section 7 (a) of the N. R. A.

Since the N. R. A. has been declared officially dead by that American dictatorship appointed and sitting for life, the nine men in black—the Supreme Court—the Wagner-Connery bill must now be enacted not to strengthen that section of N. I. R. A. but to present it in a newer, stronger, and more effective form. This legislation is necessary to guarantee to labor the right of collective bargaining. It is necessary to keep the various State militias and national guards at home attending to their own business, professions, and vocations instead of donning the uniform and soldiers' guns to quell and suppress labor strikes and riots that will ultimately result should this proposed legislation be not enacted into law.

The denial by employers of the right of employees to organize and the refusal by employers to accept the procedure of collective bargaining leads to strikes and other forms of industrial strife or unrest which have the intent or effect of burdening or obstructing interstate and foreign commerce by impairing the efficiency, safety, or operation of the instrumentalities of commerce, materially affecting, restraining, or controlling the flow of raw materials, manufactured or processed goods from or into the channels of commerce, or the prices of such materials or goods in commerce; or causing diminution of employment and wages in such volume as substantially to impair or disrupt the market for goods flowing from or into the channels of commerce, and thereby bringing said impairments and restraints within the purview of the Congress of the United States and giving that august legislative body sufficient justification for enacting legislation that will in the future guarantee to employees by employers the right to assemble and meet and carry on by collective bargaining their inherent rights and privileges as American wageworkers and citizens.

Whenever the normal flow of the river is obstructed and impeded by water-logged trees and stumps or refuse, the only effective remedy is to either shove, pry out, or blast out these impediments and so put the same logic and process of reasoning when the natural flow of manufactured goods or raw materials which are the products of wageworkers, of men who earn their bread by the sweat of their brows, is impeded, restrained, and obstructed by reactionary, selfish, greedy water-logged employers, then it is high time that Congress should enact legislation to remove once and for all time the causes of the impediments to human progress and welfare.

This bill is designed to promote equality of bargaining powers between employers and employees, to diminish the causes of labor disputes, to create a National Labor Relations Board, and for other purposes, and was carefully considered by the Committee on Labor and was reported favorably by a unanimous vote of that committee to this body for action. The bill has received the hearty approval and endorsement of Mr. William Green, President of the American Federation of Labor. It has been approved and endorsed by Hon. Francis Biddle, chairman of the National Labor Relations Board in the National Industrial Recovery Act. It has received the approval and endorsement of Hon. Frances Perkins, Secretary of Labor, and finally it has received the unqualified endorsement and approval of that great humanitarian President, Franklin D. Roosevelt.

The bill has already passed the Senate by a vote of 63 to 12. Amendments will be offered today by the committee and your support for which is urged. The amendments are merely clarifying amendments or amendments designed to successfully surmount any obstacles or hurdles that might be thrown into its way because of a reversal by the United States Supreme Court.

Naturally there are many opponents of this bill. There are many opponents who have the fortunate advantage and position of wealth, power, and money. But if you will carefully analyze this opposition, if you will study the reason, if you will look into the source of that opposition, you will find it is an opposition thrown up by the vested interests and the overprivileged wealthy few.

It is thrown up by men who in many cases call themselves employers of labor, but in reality and in truth are assassins of labor, exploiters of labor's toil and despoilers of the meager benefits that might accrue to labor and reward their toil in a fitting manner earned by the right of years of back-breaking and heart-rending toil. Look again

at this opposition and you will find the same old faces that opposed the old-age-pension bill, unemployment insurance, and the entire social security program of President Roosevelt. Look again and you will see the same old faces that opposed the A. A. A. amendments passed Monday by this House and designed to place the farmers on an economic basis and parity with their industrialist competitors. You will see those same faces opposing the Wheeler-Rayburn bill which seeks to weed out forever those human octopi and leeches that bleed white the bodies of small investors and consumers of electrical energy, gas, oil, and telephones. Look again and you will see those same faces and individuals bitterly opposing the payment of the soldiers' bonus. They were for the Economy Act that wanted to take away the meager pension granted by a grateful Government to these boys who fought for their country in its hour of need. So there is nothing new in this opposition to the Wagner-Connery bill. There is nothing strange about it. There is nothing to be alarmed about it. This opposition are merely barnacles on the ship of progress. They oppose all humanitarian measures that have for their goals the betterment of human welfare. The tirades of misrepresentation, calumny, and exaggeration are so preposterous and absurd as to be amusing.

Various associations of employers have expressed unwonted solicitude for the rights of employees which they profess to believe are jeopardized by this bill. When did their hearts expand so suddenly? When did their interests in those whom they have exploited for 40 years become so magnanimous? When we enacted into law the National Industrial Recovery Act these same employers welcomed it with open arms. They knew it was designed to pull their chestnuts out of the fire and none of them had the courage nor the hardihood to avow open opposition to the premises of section 7 (a).

They have nightmares now, however, when we propose to enforce the mandate of the law as laid down in section 7 (a). Since when have these assassins and exploiters of labor donned the saintly robes of the Good Samaritan and showered their mellifluent beneficence upon those anointed?

President Roosevelt hailed the N. R. A., insofar as labor was concerned, "a new charter of rights long sought and hitherto denied." That section provided that employees shall have the right to organize and bargain collectively through representatives of their own choice, and shall be free from the interference or coercion of employers of labor or their agents, and so forth; second, that no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; and third, that employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President. So it was indeed a new charter of rights if the employer had lived up to it. Unfortunately they did not live up to it. Donald Richberg, the Benedict Arnold of Labor, sold them out for a mess of potage; now the Blue Eagle has been transformed, by the Supreme Court decision, into a blue buzzard, and as General Johnson has so aptly said, "is as dead as the dodo" which is extinct. If section 7 (a) was good and worthy of your support, as it was, and was supported by the great majority of this Congress of the United States, then the Wagner-Connery Labor Relations Act is just as worthy of your support, and needed much more vitally at the present moment.

In the first flush of national fervor and enthusiasm that greeted the inauguration of the National Industrial Recovery Act, the National Labor Board, headed by Francis Biddle, was able by moral rather than the legal authority, to accomplish a good deal in the interpretation and application of the section. Now, that is only an Arabian Nights dream. We are faced with a condition and not a theory. We are faced with the diminution of labor, strikes, and unrest, and unemployment is constantly on the increase. Of course, it is realized that Congress would, however, make a gesture when they passed Public Resolution 44 in the Seventy-third Congress giving the President express, statutory authority to establish a board or boards to investigate the uses, power, practices, and activities of employers and employees in reference to rights under the now defunct section 7 (a). Now, with the adverse Supreme Court decision, such boards established under Public Resolution 44 are without power or authority. The larger employers of labor and exploiters of human toil not only laughed at these boards, they flaunted them, and openly showed disrespect and a woeful lack of cooperation with employees.

Under the old procedure when a complaint was made to the Board, the evidence was heard but the Board had no power to subpena witnesses or administer oaths. If the employer choose to ignore the hearing, he could do so. If the employer failed to comply with section 7 (a) the case was referred to the National Labor Relations Board, but the Board could take no action other than recommending appropriate restitution. There was no legal compulsion upon the employer to comply with the Board's decision. The case had to be referred to the Department of Justice. The recommendations of the Board went for naught and weeks and more after the alleged violation would exist while the Department of Justice prepared its case. When the case was prepared the employer could then go to the courts and obtain an injunction, as was done in the Weirton case. The plain fact is that after 2 years of section 7 (a) the Government succeeded in getting into court only 4 cases for enforcement, 2 being proceedings in equity, and 2 criminal proceedings, and only 1 of those cases—the Weirton case—has come to trial. So we had a law without teeth. A law for the benefit of labor minus the enforcement machinery. In cases where employees were ready to meet and hold elections to select their representatives, employers could hold up for months the election by an application to the circuit court of appeals.

This was done in the case of Firestone and Goodrich, rubber companies of Akron, Ohio, and the National Labor Relations Board was powerless to force action. Unwonted ursurpation of power by employers taking away from employees their rights of collective bargaining and selection of their own representatives could only promote unrest, disorder, strikes, and riots.

In the Firestone and Goodrich cases, strikes were immediately threatened and were only averted at the last minute by appeals to the men to await the decision of the Court on the election orders. The result of all this nonenforcement of section 7 (a) was to plant a wide-spread and growing bitterness on the part of workers who felt, with considerable justification, that they were not given fair treatment, but betrayed by their Government, in the execution of its promises. Then came the Supreme Court decision which knocked down what little structure which the fond hope of labor had built up, and if this intolerable situation is allowed to continue uncorrected it will become a real menace to industrial peace that cannot be exaggerated.

The time for corrective action by Congress is at hand. It should no longer be delayed.

To those unfamiliar with the strife that has been engendered by these unfair labor practices to those who are unable to envision the hatred smoldering in the hearts and minds of those workers whose crust is becoming ever scantier, it might be well to recall that the dire need for this bill, ever-growing industrial unrest, is caused first by the denial of the right of employees to organize and by the refusal of employers to accept the procedure of collective bargaining, and, secondly, by their own stubbornness and greed and failure to raise wages, hours, and working conditions satisfactory to the wageworkers. Men can be exploited, they can be penalized, they can be punished, but this constant grinding-down process, this wearing-out process, this brutal tramping on industrial treadmills, engenders such unrest and fosters such disorder that ultimately will lead to riotous revolution. I want to ward off that baneful day. I want to see the emancipation of American labor, not by riotous revolution, but by peaceful evolution.

The ends sought, the goals to be achieved in this bill are not new. The eternal clash between employer and employee shows no improvement, no new development because of the stubborn refusal of employers to bargain collectively. This bill seeks to borrow a phrase of the United States Supreme Court—

To make the appropriate collective action of employees an instrument of peace rather than of strife.

Employers object to employees having personnel managers, paid workers, yet never denying their own right to use such methods. Whenever employers will grant the same rights to employees that they demand for themselves and then agree to sit down and talk the matter over, then we will be getting somewhere.

A former President of the United States, a former Chief Justice of the United States Supreme Court, and a distinguished Ohioan, William Howard Taft, summed up the issue expertly and concisely when he said—

Labor unions were organized out of the necessity of the situation. A single employee was helpless in dealing with an employer. He was dependent ordinarily on his daily wage for the maintenance of himself and family. If the employer refused to pay him the wages that he thought fair, he was nevertheless unable to leave the employ and to resist arbitrary and unfair treatment.

Those who loudly proclaim "liberty" and who live on the fat of the land are always in the front ranks of those who prate about "rugged individualism." After they have accumulated their own fortune by fair means or foul, they prattle about their own rugged individualism, and if wage-workers attempt to achieve better conditions and better pay and better hours for themselves by the very methods of collective action that has resulted in riches for the industrialists, they, the industrialists, call this procedure on labor's part un-American, undemocratic, unjustified, and unwarranted.

Employers contend that the bill is discriminatory since it is limited to unfair labor practices by employers. It is contended that the bill should prohibit anyone, including, of course, employees or labor organizations, from interfering with, restraining, or coercing employees in the exercise of these rights and that without such provisions the bill is "unfair, and one-sided", and would lead to the domination of industry by organized labor.

The Railway Labor Act contains a reciprocal provision that neither employers nor employees shall interfere or coerce the other in the choice of representatives, but does not cover or attempt to regulate relations of employer to employee. If it were attempted here to define and regulate those relations more far-reaching and drastic provisions would need to be inserted.

Moreover, if provisions were adopted restraining employees from interfering with the rights of employers in selecting their representatives, the opponents would in no sense be satisfied. What these exploiters of labor and opponents of collective bargaining desire is a large ball and chain forged about the ankles of labor organizations and their official representatives.

Based on the erroneous and fallacious theory that labor organizations should be prohibited from soliciting membership among employees, is this doctrine. The provisions of the bill diametrically oppose that employer doctrine. We want each and every employee to be privileged, without interference or coercion, to join the organization that he wishes to join and when he wants to join. Then we want the designated representatives selected in an election supervised by the Government and representing the majority of those employees to bargain collectively with the employer, in respect to rate of pay, wages, hours of employment, and other conditions of employment. Nothing more is asked, nothing less will be satisfactory.

To those opponents of labor organizations and collective bargaining, to those who prattle about the bill being lopsided or one-sided, I would say that this bill is labor's bill. It is a new Magna Carta for employees to protect those employees from further exploitation by selfish, greedy employers. Eleven million workmen are unemployed now, not only because of the depression but because of the unretarded advance of science, invention, and the labor-saving devices of the mechanistic age. Steam shovels, huge trucks and tractors, conveyor systems, fingers, hands, and sinews cast and turned from steel replace by the thousands, human beings. Man power is supplanted by machine power, yet profits go on and in many cases enormous profits. With the displacement of men by machines, these enormous profits accrue to the profit of the over-privileged few. Therefore, we take that labor by giving a bigger share of the loaf through its inherent right and power of collective bargaining by the chosen representatives.

These strongest arguments that can be used against a provision outlawing coercion of employees by employees or labor organizations may be found in the attitude of the courts themselves who have held that a threat to strike, a refusal to work on material of nonunion manufacture, circulation of banners and publications, picketing, even peaceful persuasion constitutes "coercion." In some courts, closed-shop agreements or strikes for such agreements are condemned as "coercive." In this bill we declare that the domination or interference with the formation of any labor organization or contributing finances or other support to it are unfair labor practices. Precedents for this in law are found in the Railway Labor Act, section 2 of the Bankruptcy Act, amendments of 1933 and 1934, and the Emergency Transportation Act, section 7 (e).

Another misrepresentation is that this bill outlaws and prohibits company unions. That is not true, although nearly 70 percent of company unions now in existence were established subsequent to the passage of the National Industrial Recovery Act. In other words, after the employer was amply protected through the N. R. A. then those who were greedy, not all of them by any means, organized their own company unions so as to comply with the spirit of Section 7 (a) but not with the letter of the law. Naturally the company union, sponsored, promoted, and financed by the employer, is found to a great extent in the large, powerful, and rich industries. It is here that the bargaining power of the individual workers is most weak, and in most instances in these huge plants workers have not enjoyed the privilege of organizing. There is nothing in the bill that prevents the formation of a company union. This bill merely gives them an opportunity to choose for themselves. If the company union is the free choice of the majority of the workers all well and good. If the American Federation of Labor or some other union happens to be the free choice all well and good. Let there be no interference by the employer in respect to that free choice.

A common form of interference by employers is their participation in the management of the company union and espionage. Another is the provision in the company union's constitution that changes or alterations cannot be made without the consent of the employer. With these nefarious practices industrial life for the worker becomes a vicious application of the old arm game "heads I win, tails you lose." Another pernicious practice is the payment of additional compensation to workers representing the company union or permitting such representatives to "sell" the company union to the employees during working hours without any deduction of pay.

The various and sundry forms of interference within referred to by employers, promote unrest, dissatisfaction, strife, and resentment, and revolt against the existing order of things. These common forms of interference by employers have long been recognized by the courts. Chief Justice Hughes writing for unanimous Court states in a decision under the Railway Labor Act of 1926:

The circumstances of the soliciting of authorizations and memberships on behalf of the association, the fact that employees of the railroad company who were active in promoting the development of the association were permitted to devote their time to that enterprise without deduction from their pay, the charge to the railroad company of expenses incurred in recruiting members of the association, the reports made to the railroad company of the progress of these efforts, and the discharge from the service of the railroad company of leading representatives of the brotherhood and the cancelation of their passes, gave support, despite the at-

tempted justification of these proceedings, to the conclusion of the courts below that the railroad company and its officers were actually engaged in promoting the organization of the association in the interest of the company and in opposition to the brotherhood, and that these activities constituted an actual interference with the liberty of the clerical employees in the selection of their representatives.

In those most flagrant cases of interference wherein several of these forms of interference exist, we must conclude that that employer dominates the will of the company union thus affected.

An obnoxious form of interference is the discrimination displayed in hiring employees and the tenure of employment based upon the employees' affiliation with labor organizations that are distasteful to the employer. This form, commonly known as "yellow dog" contracts, was outlawed by section 7 (a) of the N. R. A., which was the section that was the recipient of the notorious Richberg double-crossing interpretation.

Nothing will be found in this bill that prevents employers from exercising their natural rights of selecting employees or discharging them. What is intended is that unfair employers shall not put discriminations or penalties on those workers who will not willingly join the company union dominated by the company. Hence we say to the employer, hands off the employee elections. Let those workers exercise their own free will and judgment and select the labor organization which appeals to them most. Wide-spread misinterpretation as to the closed-shop status under this bill exists. Closed shops are by no means imposed upon all industry nor is new legal sanction given to closed shops.

Nothing in this bill or in any other statute illegalizes closed-shop agreement by the employer and labor organization provided such organization has not been created or supported by any practice defined in the bill as an unfair labor practice, and provided further that a certain organization is the free choice of the majority of employees as the appropriate collective-bargaining unit covered by agreements made.

Neither are the closed-shop agreements legalized in any State where it may be illegal. To those who entertain fears in this direction, I would say that no closed shop may be affected by this or any other legislation unless that agreement is approved and assented to by the employer. The fourth unfair labor practice is in respect to discharges of employees by employers because that employee has filed charges or given testimony as provided for in this bill.

The fifth unfair labor practice obviously is manifest to all. That is, the refusal of employers to enter into collective bargaining with employees. If industrial peace is ever to be permanently established, it must be on those broad principles of give and take which can be done only through collective bargaining and the making of agreements mutually satisfactory. I will vote for the bill and do everything in my power to secure its early enactment into law. [Applause.]

[Here the gavel fell.]

Mr. CONNERY. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia [Mr. RANDOLPH].

Mr. RANDOLPH. Mr. Chairman, there are many Members of this House who do not agree on a great many questions affecting labor with the Chairman of the House Labor Committee, but as a member of that committee I want to take these few minutes to pay tribute to the gentleman from Massachusetts, Mr. CONNERY, chairman of this committee, who is always championing the cause of labor in this House when we need him.

We have come a long way in eliminating the distress and hardships of those who toil. The Members of this House realize that too long in this Republic we have seen the crucifixion of labor upon the cross of longer hours, less pay, and unsanitary working conditions. Today the situation is not perfect, but we find that marked progress has been made, especially in the last 2 years. Ill-gotten wealth and special privileges given to certain employers helped lead this Nation on its march into the valley of the shadow of death. Under the leadership of President Roosevelt and his administration, we have realized that the prosperity of this country depends, first of all, upon the men and women who produce the wealth of the 48 States. [Applause.] An immediate and progressive program for helping the laboring men of this country was inaugurated when this administration came into power. We gave them not only their old jobs, but we tried to create new tasks for them as well.

May I read a short editorial from Collier's Weekly just recently published:

The most important fact in the history of labor during the last 12 months has been the great gain in employment. Business improvement has created more jobs. Unemployment still exists, but the principal relief work of the Government is now being carried on in the drought area rather than in the industrial centers.

Many people have been excited and alarmed at the increased number of strikes during the year. There is no real occasion for concern. Strikes are a familiar experience during periods of recovery. At the bottom of a depression organized labor calls few strikes. Later, when there is more to be had, controversy naturally arises.

The useful course is for labor and all other groups concerned now to work out a program and a policy to eliminate future need of emergency action.

Under this legislation, as we consider it here today, the employer is not compelled to give to the employee a different scale of pay or a different work week, or he does not have to enter into any agreement with the employees. It simply brings to labor the right to deal with the employer in a legal way that we should desire earnestly to see exercised. Favorable action on this bill will help to lift from labor its burden of despair and throw a light upon the dark pathway that the worker too long has traveled. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. All time has expired. The Clerk will read the bill.

The Clerk read as follows:

FINDINGS AND DECLARATION OF POLICY

With the following committee amendment:

On page 1, line 3, strike out the words "declaration of."

The committee amendment was agreed to.

The Clerk read as follows:

SECTION 1. The inequality of bargaining power between employer and individual employees which arises out of the organization of employers in corporate forms of ownership and out of numerous other modern industrial conditions, impairs and affects commerce by creating variations and instability in wage rates and working conditions within and between industries and by depressing the purchasing power of wage earners in industry, thus increasing the disparity between production and consumption, reducing the amount of commerce, and tending to produce and aggravate recurrent business depressions. The protection of the right of employees to organize and bargain collectively tends to restore equality of bargaining power and thereby fosters, protects, and promotes commerce among the several States.

The denial by employers of the right of employees to organize and the refusal by employers to accept the procedure of collective bargaining leads to strikes and other forms of industrial unrest which burden and affect commerce. Protection by law of the right to organize and bargain collectively removes this source of industrial unrest and encourages practices fundamental to the friendly adjustment of industrial strife.

It is hereby declared to be the policy of the United States to remove obstructions to the free flow of commerce and to provide for the general welfare by encouraging the practice of collective bargaining, and by protecting the exercise by the worker of full freedom of association, self-organization, and designation of representatives of his own choosing, for the purpose of negotiating the terms and conditions of his employment or other mutual aid or protection.

With the following committee amendment:

On page 1, strike out beginning with line 4 down to and including line 3 on page 3 and insert in lieu thereof the following:

"SECTION 1. The denial by employers of the right of employees to organize and the refusal by employers to accept the procedure of collective bargaining lead to strikes and other forms of industrial strife or unrest, which have the intent or the necessary effect of burdening or obstructing interstate and foreign commerce by (a) impairing the efficiency, safety, or operation of the instrumentalities of commerce; (b) occurring in the current of commerce; (c) materially affecting, restraining, or controlling the flow of raw materials or manufactured or processed goods from or into

the channels of commerce, or the prices of such materials or goods in commerce; or (d) causing diminution of employment and wages in such volume as substantially to impair or disrupt the market for goods flowing from or into the channels of commerce.

"The inequality of bargaining power between employees who do not possess full freedom of association or actual liberty of contract, and employers who are organized in the corporate or other forms of ownership association substantially burdens and affects the flow of interstate and foreign commerce, and tends to aggravate recurrent business depressions, by depressing wage rates and the purchasing power of wage earners in industry and by preventing the stabilization of competitive wage rates and working conditions within and between industries.

"Experience has proved that protection by law of the right of employees to organize and bargain collectively safeguards commerce from injury, impairment, or interruption, and promotes the flow of interstate and foreign commerce by removing certain recognized sources of industrial strife and unrest, by encouraging practices fundamental to the friendly adjustment of industrial disputes arising out of differences as to wages, hours, or other working conditions, and by restoring equality of bargaining power between employers and employees.

"It is hereby declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of interstate and foreign commerce and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and by protecting the exercise by the worker of full freedom of association, self-organization, and designation of representatives of his own choosing, for the purpose of negotiating the terms and conditions of his employment or other mutual aid or protection.

Mr. HOEPPEL. Mr. Chairman, I rise in support of the committee amendment.

Mr. Chairman, I wish to compliment the Chairman of the Labor Committee and the members of the committee for bringing in a bill which appears to be written in the interest of the American working man. I hope that it will be administered in strict equity, in recognition of the interest of the employer as well as the employee. I am only sorry that this disputes bill does not settle the disputes which take place in governmental circles.

I call attention to a dispute or controversy which is taking place today and in which Mr. Mitchell, recently removed Assistant Secretary of Commerce, makes certain specific charges. I also call attention to an item taken from today's newspaper, in which it would appear that Mr. Ickes is not working harmoniously or in agreement with Mr. Hopkins, the Federal Relief Administrator. I have written an article for my periodical this month wherein I devoted almost a page in criticism of Mr. Ickes' action here in Washington in the discharge from employment of retired enlisted men of the Army, Navy, and Marine Corps. After reading this newspaper item, I feel inclined to commend Mr. Ickes, here on the floor, for his attitude in reference to the expenditure of the work-relief funds. In my opinion, Mr. Ickes is the smartest man in the "brain trust." He has shown decisively that he is in favor of doing something constructive for the American people and spending this huge work-relief appropriation on projects which will be an asset to the American people rather than wasting and squandering the money on projects of questionable merit under the Hopkins' plan of limiting the expenditures to $1,100 or $1,200 per man, including the cost of materials and overhead. [Applause.]

I have heard a disquieting rumor recently. It may be only the kind of a rumor the soldiers call a "guardhouse" rumor. Nevetheless, I have been told that Mr. Ickes is to lose control of the C. C. C. and that it is to be turned over to Mr. Hopkins.

In my opinion, Mr. Fechner, Mr. Friant, and the other gentlemen who have handled the C. C. C. personnel and administration have been very efficient and conscientious in their efforts. Of all the new-deal agencies, I am convinced that the C. C. C. is the most efficient and is making more substantial returns on the investment, notwithstanding its huge cost, than any other of the various alphabetical agencies established in the new deal.

If this rumor is authenticated, I wish to protest at this time the contemplated transfer of the C. C. C. organization to the jurisdiction of Mr. Hopkins, whose life experience as a welfare worker does not, in my opinion, qualify him for the responsibility of handling an organization such as the C. C. C. Mr. Ickes and Mr. Fechner are practical business men, and are to be commended, along with Mr. Friant, on the successful administration and development of the C. C. C. organization.

We have just heard a very excellent message from our President on the question of taxation. I am proud of the words he has uttered. I only hope that they will not prove to be mere empty words, but that they will be backed up by decisive action to accomplish the enactment of the program he has so ably outlined. On June 8 of last year we heard a message on this floor promising the people old-age pensions, but after the expiration of a year what, actually, have we? Nothing but a pauperized old-age-pension bill.

In my opinion, the President's message on taxation is a perfect document; but, unfortunately, it appears to be, for a time at least, only a promise. Action on his tax program is to be deferred until next year. If this legislation is of importance, as the President indicates, and as I firmly believe, why can we not enact it now? The interests of all the people are involved. We should tax entrenched wealth and inordinate profits. We should not adjourn and go home until we complete the job. Personally, I am fed up on the promises and bait we are handing out to the American people while they are starving. Common sense, sincerity, and honest dealing with the American public demand action now. [Applause.]

[Here the gavel fell.]

The committee amendment was agreed to.

Mr. RICH. Mr. Chairman, I offer an amendment which I have sent to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. RICH: Page 4, line 16, insert, after the word "states" the following:

"To make effective the policy declared by the President of the United States 'the Government makes clear that it favors no particular union or particular form of employee organization or representation. The Government's only duty is to secure absolute and uninfluenced freedom of choice without coercion, restraint, or intimidation from any source.'"

Mr. RICH. Mr. Chairman, I simply wish to state to the Membership of the House that if this amendment is adopted it will only make effective the President's declared policy which he has advocated and I hope the Membership of the House will see fit to adopt this proposal of the President. If you adopt it, you are then advocating the principles which he has enunciated with respect to justice to labor and to capital and the free will to join any organization. If you do not adopt it, then you turn down his expressed request insofar as handling the affairs of capital and labor, in my judgment, is concerned.

Mr. CONNERY. Mr. Chairman, I rise in opposition to the amendment.

I will simply say in answer to the statement of my distinguished friend from Pennsylvania, this bill, as it is now drawn up and as it has been reported to the House by the Committee on Labor, is the bill which the President approves.

Mr. RICH. Mr. Chairman, may I interrupt the gentleman?

Mr. CONNERY. Yes; certainly.

Mr. RICH. Is it going to be the practice that any amendments that are presented here are not going to be permitted to be considered by the Membership of the House because of the fact that this is a cut-and-dried or dyed-in-the-wool bill and we must accept it as is?

Mr. CONNERY. I may say to my friend from Pennsylvania that we have no idea whatsoever of saying that an amendment offered by any Member here should not have consideration, but the gentleman in his address mentioned the President and I want to call the attention of the gentleman to the fact that this bill, as reported by the Committee on Labor to the House, is in the form in which the President would like to see it passed. This is all I said. The gentleman is entitled to his view of the matter, but I hope the gentleman's amendment will be voted down.

Mr. O'MALLEY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have not spoken on this particular bill today because of the fact I think no one is in any doubt as to where I stand upon this measure, but the amendment just proposed by the gentleman from Pennsylvania is nothing but an amendment which has for its purpose the beclouding of the issue which this bill is designed to meet.

We have heard a lot of talk about constitutionality and I am getting so sick of listening to constitutional lawyers get all excited whenever we bring up a bill for the workers or the farmers or any one of the groups of America's common citizens that I think it is the opinion of the people of this country, as well as my own opinion, that these so-called "constitutional lawyers" are getting to be a pain in the neck. [Laughter and applause.] Sometimes they almost sound as if they were trying to prove to you, if they are special-privilege lawyers, that the Constitution itself is unconstitutional, especially if they have been retained to defend the unfair advantages of special privilege gained under a vicious system of labor exploitation of the past.

I wish to make this statement with respect to the Wagner-Connery labor bill. The principle of the bill is exactly the same principle that is contained in the Railroad Labor Relations Act that this Congress passed years ago. There is nothing in the bill that has any harm for industry, but it does make industry meet the worker on the common American ground of dealing over a conference table instead of dealing with him with State troopers and with hired thugs whenever there is a labor dispute.

I have received a number of letters from certain persons in my district in which they say that if this bill were passed the workers would be coerced into some labor organization of one kind or another. To make my position entirely clear, I wish at this point to insert a copy of my reply to those who have an unjustified fear of the effects of this bill.

MY DEAR SIR: I have your communication in connection with the enactment into law of the legislation known as the "Wagner Labor Disputes Act."

In frankness, I must state at the outset that I am thoroughly in accord with the principles embodied in the legislation. It provides, briefly and simply, to make the right to bargain collectively and provide a recognized formulæ for investigation and adjudication of disputes between employees and employers a statutory regulation.

I see no menace to American industry in the above proposal, and while not agreeing in detail with some of its provisions, believe it is a forward step. The Railroad Labor Act, applicable to a particular industry, is an excellent example that such legislation can be and has been of unusual benefit to industry. I need only point to the many years of excellent relationship between the railroad employees and their employers under this act; the peaceful adjudication of the many disputes brought before their board; the fine working conditions and high standard of wages in the railroad industry, to show that a national policy toward labor disputes is the reasonable way to approach the national problem of industrial peace.

I find nothing in the present legislation which would give sanction to any closed-shop proposition as charged. The right of collective bargaining for the sale of the only commodity which labor has to offer is a fundamental right and should be recognized by law. The freedom of the individual worker to select those who shall represent him in that bargaining should also be guaranteed by law just as the freedom of individuals to select their representatives in bargaining for trade, in legal actions, etc., are indisputably upheld.

While here and there unscrupulous labor leaders or unscrupulous employers use various methods of coercion to obtain unjust or unfair ends, the only person who can decide what is coercion is he upon whom it is practiced. I am sure if you would compare the Wagner-Connery bill with the provisions of Public Law 152 and the subsequent amendments to this law, that you will find they embody the same principles. I know that in view of the successful history of the Railroad Labor Act that no one would be inclined to ask repeal of that law. The Railroad Labor Relations Act being the model upon which the Wagner-Connery bill is based, I am confident that this new legislation for all American labor will have the same successful history as has the pioneer law in the field of labor relations.

Now, this bugaboo of "coercion" is a lot of "baloney"! Who can decide whether coercion has been practiced upon a worker to join a labor union except the worker himself, and if you ask any member of any union whether he has been forced to join he will give you the answer to this propaganda. Who ever heard of a company union that was really organized solely for the benefit of the workers? The organization of a company union presents the same ridiculous spectacle as would be presented if an employer were to organize a lodge or society for his workers to belong to. Imagine, if you can, an employer saying to his employee, "John, I hear you are going to join the Moose, or the Elks, or some other fraternal organization, but I think I can fix up a better society for you to belong to." This would be no more ridiculous than is the proposition of the employer saying to his employees, "Since you have decided to join a craft guild or union, I have decided to fix one up that will be better for you than any organization you can join which has been created and organized by the members of your own craft." The intelligent American worker knows well enough that any union organized by employers is not for the benefit of the employees, but is bound to be just the opposite sort of an organization.

I think this bill ought to pass. I think the amendment of the gentleman from Pennsylvania ought to be voted down. The amendment is practically the same as was discussed at the other end of the Capitol by those gentlemen who are always worrying about the rights and interests of the overprivileged classes rather than the woes, problems, and injustices perpetrated on the underprivileged of America's citizens. I hope the amendment will be voted down, and I hope that any other amendments which are nothing but a repetition of amendments discussed and defeated in the other body will likewise be defeated here and that we can send the bill back to the Senate as it was originally written and give labor the justice and the right to which it is entitled under a government where majority rule is the underlying and founding principle. [Applause.]

Mr. WOOD. Mr. Chairman, I rise in opposition to the amendment.

Mr. CONNERY. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. WOOD. Mr. Chairman, I hope the amendment of the gentleman from Pennsylvania will not be adopted, because the amendment deals with relations between employee and employee, whereas this bill deals with relations between employer and employee.

As to the term "coercion", the courts on numerous occasions in labor controversies have construed the word "coercion" to mean almost anything, insofar as employees are concerned.

The courts on many occasions have construed mere peaceful persuasion as coercion. If this amendment is adopted, it will kill the effects of the bill. It will not only do that, but if this amendment is adopted and the bill is passed it will put labor in a worse condition than it was before.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. RICH].

The question was taken, and the amendment was rejected.

Mr. CONNERY. Mr. Chairman, I ask unanimous consent that on page 4, line 22, the Clerk be permitted to correct the spelling of the word "representatives."

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The Clerk read as follows:

DEFINITIONS

SEC. 2. When used in this act—

(1) The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

(2) The term "employer" includes any person acting in the interest of an employer, directly or indirectly, but shall not include the United States, or any State or political subdivision thereof, or any person subject to the Railway Labor Act, as amended from time to time, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization.

(3) The term "employee" shall include any employee, and shall not be limited to the employees of a particular employer, unless the act explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and

substantially equivalent employment, but shall not include any individual employed as an agricultural laborer, or in the domestic service of any family or person at his home, or any individual employed by his parent or spouse.

(4) The term "representatives" includes any individual or labor organization.

(5) The term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(6) The term "commerce" means trade, traffic, or commerce, or any transportation or communication relating thereto, among the several States, or between the District of Columbia or any Territory of the United States and any State or other Territory, or between any foreign country and any State, Territory, or the District of Columbia, or within the District of Columbia or any Territory, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign country.

(7) The term "affecting commerce" means in commerce, or burdening or affecting commerce, or obstructing the free flow of commerce, or having led or tending to lead to a labor dispute that might burden or affect commerce or obstruct the free flow of commerce.

(8) The term "unfair labor practice" means any unfair labor practice listed in section 8.

(9) The term "labor dispute" includes any controversy concerning terms, tenure or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

(10) The term "National Labor Relations Board" means the National Labor Relations Board created by section 3 of this act.

(11) The term "old Board" means the National Labor Relations Board established by Executive Order No. 6763 of the President on June 29, 1934, pursuant to Public Resolution No. 44, approved June 19, 1934 (48 Stat. 1183).

With the following committee amendments:

On page 6, line 10, beginning with the word "traffic", strike out "or commerce, or any transportation or communication relating thereto", and insert "commerce, transportation, or communication."

Page 6, beginning in line 20, strike out all of subsection 7 and insert in lieu thereof:

"(7) The term 'affecting commerce' means in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce."

The committee amendments were agreed to.

Mr. CONNERY. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 7, at the end of line 22, substitute a comma for the period and add the following: "and reestablished and continued by Executive Order No. 7074 of the President of June 15, 1935, pursuant to title I of the National Industrial Recovery Act (48 Stat. 195), as amended and continued by Senate Joint Resolution 133, approved June 14, 1935."

Mr. CONNERY. Mr. Chairman, this is not a committee amendment. We have not had a chance to call the committee together between Sunday and today, due to early morning meetings of the House. This is taking care of the transfer of the funds of the old Board to the new Board. The President by Executive order kept the old Board in a sort of status quo until this bill is passed by Congress and signed by the President.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

Mr. RICH. Mr. Chairman, I move to strike out the last word. The gentleman from Massachusetts made the statement that this is not a committee amendment. I question whether the Membership of the House is prepared on the spur of the moment to adopt the amendment to this legislation presented by the gentleman from Massachusetts. I think until the committee has had an opportunity to discuss and thoroughly digest the amendment, it should not be considered.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

Mr. MARCANTONIO. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. MARCANTONIO: Page 5, line 22, after the word "as" strike out the words "an agricultural laborer."

Mr. MARCANTONIO. Mr. Chairman, at the outset I desire to state that I have made my position clear throughout the committee hearings as well as in executive sessions of the committee and on the floor of the House, that irrespective of whether or not my amendment is adopted, I am whole-heartedly for the bill and naturally shall vote for it.

My amendment, if adopted, would permit the benefits of this act to extend to the agricultural workers. It is a matter of plain fact that the worst conditions in the United States are the conditions among the agricultural workers. They have been brought to the public attention many times; for example, by the investigations of the National Child Labor Committee into the horrible conditions, especially as affecting children, in the beet-sugar fields. The complete denial of civil liberty and the reign of terror in the Imperial Valley, where the basic demand of the workers was clean drinking water, have been the subject of investigation by Government agents. Last summer saw a protracted and heroic strike by the terribly exploited union workers in the fertile fields of Hardin County, Ohio, against their employers. These workers were organized in a local of the A. F. of L. They were victims of the usual type of oppression which was called to public attention in the press.

However, the most conclusive proof that there must be Federal action to protect the right of agricultural workers to organize is to be found in the situation in Arkansas. In that State, within the last year, there has come into being an admirable union of agricultural workers, the Southern Tenant Farmers Union. It has been incorporated under the laws of the State. Its immediate demands are entirely reasonable and its methods have been extraordinarily peaceful. Yet that union is at present holding no meetings on advice of its counsel who says that it cannot be protected from terroristic attacks. Armed planters have patrolled the roads looking for the principal organizers of the union. The president of the union, a former rural school teacher, was driven out of the county by threats of lynching. Members of the union have been beaten up. Some of them have been cast in jail from which they were ultimately delivered but only in one or two cases after they had been confined on trumped charges for 45 days. Meetings have been forcibly broken up. The lawyer for the union is C. T. Carpenter, one of the outstanding lawyers of the State of Arkansas. He was waited on by an armed mob one night in his own home. He met them at the door with a pistol in his hand. The mob left but not without firing shots at the house.

What these people in Arkansas are organizing against is the most outrageous exploitation in America. The plantation system of itself is damnable. It combines the worst evils of feudalism and capitalism. The overseers on the plantations go armed.

A continuance of these conditions is preparing the way for a desperate revolt of virtual serfs. Unless the right to organize peacefully can be guaranteed we shall have a continuance of virtual slavery until the day of revolt. The union and the exploited victims of this system have shown an amazing willingness, or rather a deep-seated anxiety, to avoid bloodshed.

I, therefore, respectfully submit that there is not a single solitary reason why agricultural workers should not be included under the provisions of this bill. The same reasons urged for the adoption of this bill in behalf of the industrial workers are equally applicable in the case of the agricultural workers, in fact more so as their plight calls for immediate and prompt action.

I am not making any appeal to gentlemen who are opposed to this bill. Naturally if they have no sympathy for giving industrial workers the rights and guarantees under this bill, they are opposed to giving agricultural workers any rights, but I appeal to the membership of this committee and

to those who are in favor of the bill. I advance the argument to you, that if the industrial workers are entitled to protection, then by the same token the agricultural workers are entitled to the same protection under provisions of this bill.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CONNERY. Mr. Chairman, the committee discussed this matter carefully in executive session and decided not to include agricultural workers. We hope that the agricultural workers eventually will be taken care of. I might say to my friend from New York at this point, certainly I am in favor of giving the agricultural workers every protection, but just now I believe in biting off one mouthful at a time. If we can get this bill through and get it working properly, there will be opportunity later, and I hope soon, to take care of the agricultural workers.

Mr. BOILEAU. Mr. Chairman, I move to strike out the last word. I oppose this amendment most emphatically, because if this language is taken out of the bill as proposed by the amendment offered by the gentleman from New York, it would mean that all agricultural laborers would come under the provisions of the bill. I grant there may be some sections of the country where it would be desirable to permit the organization of share-croppers or tenant farmers or other types of agricultural labor, but in the vast sections of the Middle West, especially in those States where the farms are smaller and more or less of a family affair, where only the family is employed on the farm except with occasional employment of others, it would be very unfortunate to permit the organization of casual farm employees. In some States of the Union, especially in the Middle West, the farmers seldom employ more than one or two employees, and then for only seasonal employment. I do not believe that it is advisable to bring them within the scope of the bill.

Mr. MARCANTONIO. We passed the triple A bill here, and you have not done a single thing for the agricultural worker.

Mr. BOILEAU. The agricultural worker is not a problem in some of the States. In some of the States they have practically no employees in the generally accepted sense of the term.

Mr. KNUTSON. Mr. Chairman, I rise in opposition to the amendment to ask the gentleman from Massachusetts a question. The gentleman stated a moment ago that he believed in taking one bite at a time, carrying the inference that ultimately under this legislation it is proposed to organize agricultural laborers.

Mr. CONNERY. I did not say just exactly that. If the gentleman asks me personally how I feel about the organization of agricultural workers, I certainly hope they will organize just the same as industrial workers.

After thorough consideration, our committee decided, at this time, not to include agricultural workers.

Mr. KNUTSON. For the time being? That is all I wanted to know.

Mr. ELLENBOGEN. Mr. Chairman, I move to strike out the last three words.

Mr. CONNERY. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 5 minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. ELLENBOGEN. Mr. Chairman, I take this time to ask the gentleman from New York [Mr. MARCANTONIO] a question. Does the gentleman from New York believe that agricultural workers would come within the definition of the Supreme Court of "interstate commerce", so that they could come within the purview of this act?

Mr. MARCANTONIO. I think that the agricultural workers should be included to the same extent that the industrial workers are included.

Mr. ELLENBOGEN. I think so, too, but, under the N. R. A. decision of the Supreme Court, they could not be included in this bill, unless they came within the term "interstate commerce." The gentleman knows that.

Mr. LORD. Will the gentleman yield?

Mr. ELLENBOGEN. I yield.

Mr. LORD. Does not the gentleman think that the agricultural worker is entitled to a 30-hour week just the same as the man who works in the shoe factory?

Mr. ELLENBOGEN. I personally believe that the agricultural workers should have all the protection we can give them, but the point which bothers me is the question whether the Congress has jurisdiction over them unless they come within the meaning of the term "interstate commerce." If we have the power to do it, we should include the agricultural workers.

I yield back the balance of my time, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. MARCANTONIO].

The amendment was rejected.

Mr. RICH. Mr. Chairman, I offer an amendment which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. RICH: On page 6, line 9, at the end of the last paragraph, insert the following:

"The term 'labor organization' shall not include any organization defined in the preceding paragraph unless said organization files with the National Labor Relations Board its acceptance of the following conditions of operation:

"(a) That all elections and votes on strikes shall be by secret ballot.

"(b) That a reliable accounting system will be maintained, and will be audited at least annually, with reports promptly and duly made to a meeting of the members, and a copy filed with the National Labor Relations Board.

"(c) That its membership books, or rolls, will not be closed to new members, and all applicants will be admitted to membership, except for good cause shown relating to the individual applicant.

"(d) That all of its objects and purposes are lawful.

"(e) That it will not instigate, maintain, or support any strike for an illegal purpose.

"(f) That it will not instigate, maintain, or support any strike in violation of any collective-bargaining agreement, or in opposition to any arbitration award rendered pursuant to an agreement to submit to arbitration.

"(g) That it will not instigate, maintain, or support any strike to further any issue which the employer offers to submit to arbitration pursuant to section 12 hereof.

"(h) That it will not instigate, maintain, or support any strike, except as a last resort after making all reasonable efforts to settle the issues by direct negotiation and governmental mediation.

"(i) That it will agree to submit all jurisdictional disputes to arbitration pursuant to section 12 hereof, and will not engage in any jurisdictional strike, in cases where other organizations, parties to such dispute, likewise agree to submit to arbitration.

"(j) That it will not instigate, maintain, or support any strike designed or calculated to coerce government or any agency thereof either directly or by inflicting hardship upon the community, against any action on the part of the State, or Federal Government, or any of the agencies, or political subdivisions thereof.

"(k) That it will not instigate, maintain, or support any strike except in furtherance of a trade dispute within the trade or industry in which the strikers are engaged.

"(l) That it will not coerce, or attempt to coerce, any worker to join any particular labor organization.

Mr. BURDICK. Mr. Chairman, a point of order. I make the point of order that the amendment is not germane to this section of the bill. It introduces the subject of strikes, and the bill is dealing with the subject of what are labor organizations.

Mr. LESINSKI. It looks like a bankers' bill.

Mr. RICH. Mr. Chairman, I wish to state that the amendment itself does its own speaking and it is not necessary for any Member of Congress to make any comment on it at this time.

The CHAIRMAN (Mr. ARNOLD). The Chair is inclined to think that the amendment is not subject to the point of order. The Chair therefore overrules the point of order.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. RICH].

The amendment was rejected.

Mr. KENNEY. I offer an amendment, Mr. Chairman, which is at the desk.

The Clerk read as follows:

Amendment offered by Mr. KENNEY: Page 7, line 9, after the word "commerce," insert "or having led or tending to lead to a labor dispute, burdening or obstructing the national defense which affects commerce."

The amendment was rejected.

The Clerk read as follows:

NATIONAL LABOR RELATIONS BOARD

SEC. 3. (a) There is hereby created as an independent agency in the executive branch of the Government a board, to be known as the "National Labor Relations Board" (hereinafter referred to as the "Board"), which shall be composed of three members, who shall be appointed by the President, by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of 1 year, 1 for a term of 3 years, and 1 for a term of 5 years, but their successors shall be appointed for terms of 5 years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as chairman of the Board.

(b) A vacancy in the Board shall not impair the right of the remaining members to exercise all the powers of the Board, and two members of the Board shall, at all time, constitute a quorum. The Board shall have an official seal which shall be judicially noticed.

(c) The Board shall at the close of each fiscal year make a report in writing to Congress and to the President stating in detail the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Board, and an account of all moneys it has disbursed.

With the following committee amendment:

Page 7, line 24, after the word "created", strike out: "as an independent agency in the executive branch of the Government" and insert in lieu thereof: "in the Department of Labor."

Mr. RAMSPECK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think the question involved in this amendment is the most important one involved in the bill. The question of whether or not the agency set up to administer this law shall be an independent agency of the Government or under one of the executive departments is, in my opinion, the most important provision in the bill.

I regret that I cannot agree about this particular question with the chairman of my committee, for whom I have the highest regard, or with the Secretary of Labor, for whom also I have a very high regard.

In addition to the matter of policy I call the attention of the members of the committee to the fact that making this an independent agency will strengthen the reception given this law when it reaches the Supreme Court. The decision of the Court in the Schechter case indicates that one of the troubles with that case was the delegation of power to the executive department. The decision of the same Court rendered on the same day holding that the President had no authority to remove Commissioner Humphreys from the Federal Trade Commission gives even more evidence of the fact that if we make this an independent agency it will have more strength when it reaches a test in the Supreme Court. In 5 minutes' time I shall not be able to read references from the decision, but I do want to read one paragraph from that decision. In referring to the Federal Trade Commission the Supreme Court said:

To make this possible Congress set up a special procedure, a Commission, a quasi-judicial body was created, provision was made for formal complaint, for notice and hearing, for appropriate findings of fact supported by adequate evidence, and for judicial review to give assurance that the action of the Commission is done within its statutory authority.

Further on in the decision the Court referred to the fact that the Members of this body, the Federal Trade Commission, are free from any influence in the executive department and free from all political influence except in the matter of appointment.

If this committee amendment is voted down I expect to offer an amendment to strike out, on page 3, in line 24, after the word "created", the words "as an independent agency in the executive branch of the Government", so that we simply create a board that is not in any other agency of the Government, not a part of the executive branch of the Government at all. I submit, as a friend of the bill, that if this law is to succeed it must succeed through the support of public opinion.

[Here the gavel fell.]

Mr. CONNERY. Mr. Chairman, this question was fully debated in the committee. Mr. Biddle, the Chairman of the National Labor Relations Board, and Senator WAGNER are in favor of making it an independent Board, appeared before our committee and so testified. The Secretary of Labor appeared before the committee and wanted the Board established under the Department of Labor. President Green, of the American Federation of Labor, appeared before the committee and wanted the Board placed under the Department of Labor. Their reasons were that it had taken many years to create a Department of Labor, to create a Cabinet position for Labor, and that any independent board set up away from the Department of Labor would be a weakening of the Department.

I consulted with the President at the White House in reference to this. After that conference I returned to my committee and reported its result, and the committee decided to put the Board under the Department of Labor.

Mr. MARCANTONIO. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, as the gentleman from Georgia has pointed out, this is the most important question over which the committee disagreed.

I find myself unable to agree with the decision of the committee to affiliate the National Labor Relations Board with the Department of Labor. It is clearly immaterial whether this affiliation is accomplished merely by providing generally that the Board shall be located in the Department of Labor, or by providing in detail that the Secretary of Labor shall control the personnel, the regional agencies, and the budget of the Board. Regardless of variations in language, if the Board is placed within the Department, the Secretary of Labor will control the purse strings, and that control will be the decisive factor in determining the extent and the character of the personnel, the nature of the work done, and the administrative set-up of the Board, both in Washington and throughout the country. This in turn will be determinative of the major policies of the Board, as I shall presently discuss. On this issue there can be no compromise—either the Board must be completely independent or it must be reduced to the level of a departmental bureau.

I should have thought that even without regard for the past history of the National Labor Relations Board and the testimony before this committee, both of which seem to me compelling upon this point, precedent alone would have induced the establishment of the Board as an independent agency. The Board is to be solely a quasi-judicial body with clearly defined and limited powers. Its policies are marked out precisely by the law. That such an agency should be free from any other executive branch of the Government has been the recognized policy of Congress. Ready examples are the Interstate Commerce Commission, the Federal Trade Commission, the Communications Commission, the Securities and Exchange Commission, the National Mediation Board, and agencies that are even less judicial in character, such as the Federal Housing Administration and the Reconstruction Finance Corporation. It seems strange that this committee, which has built up so fine a record in the interests of labor, should be grudgingly unwilling to establish for the protection of labor's most basic rights an agency as dignified and independent, and as likely to attain the prestige that flows from such independence, as those which have been established to protect the interests of other groups.

The vital need for the complete independence of a quasi-judicial board that must enforce the law has been best illustrated by the collapse of section 7 (a) of the Recovery Act. That famous section broke down, not so much because the Recovery Act into which it was written did not contain adequate enforcement provisions, but because the actual enforcement of 7 (a) was tied up with the wrong agencies. The Labor Board, it is true, could make decisions, but actual enforcement rested with the National Recovery Administration and the Department of Justice. Since the N. R. A. had other functions, such as code making, and so forth, which required constant cultivation of friendly and conciliatory feelings between the N. R. A. and those with whom it had to deal, the N. R. A. has been forced repeatedly to compromise and bargain away the specific rights guaranteed

by section 7 (a). And the Department of Justice likewise has been reluctant to act upon this touchy subject, because of entirely extrinsic consideration of government policy that should have had nothing to do with section 7 (a). The complete frustration of the present National Labor Relations Board has resulted from this very simple failure to maintain the traditional and tested division between quasi-judicial bodies on the one hand and the general work of executive departments tied up with the governmental policy of a particular administration, on the other.

This anomalous situation would be perpetuated by placing the National Labor Relations Board in the Department of Labor. The Department is an executive arm of the Government. The Secretary of Labor is an officer of a particular administration, and I say this from the long-range point of view, and with due regard for the abilities of the present Secretary. The Department is thus quickly susceptible to political repercussions, and it is charged with many administrative duties involving constant compromise between industry and government. Thus the Board would quickly be swallowed up in the general policies of the Department of Labor.

These difficulties are not answered at all by insisting that the judicial decisions of the National Labor Relations Board would not be subject to review by the Secretary of Labor or by any officer in the executive branch of the Government. If in fact the Board were to be independent in its actions, there would be no reason for anyone wanting to set it up in the Department of Labor. But that is not the case; the final judicial decisions are only a small part of the work of such a Board, and by control over other stages in the enforcement process the Department of Labor would be the final arbiter of the policies of the Board.

For example, to be effective in enforcement, the Board must control complaints of unfair labor practices from their very inception. Yet this would not be the case were the Board in the Department. It is quite true that the proponents of placing the Board in the Department insist that there should be no mediation or conciliation done by the Board. But that does not preclude the possibility of mediation of an unfair labor practice by the Conciliation Service of the Department before the Board would act. And in the long run, that would inevitably result from locating the Board in the Department, while its advent would be hastened by an administration unsympathetic toward labor. This is the very worst kind of confusion of conciliation and quasi-judicial work, not in that the Board will do both but that both will be used at successive stages in attempting to enforce the law.

What will result from such a procedure? Conciliation at the source will not build up the kind of records that the Board might later refer to the courts for enforcement. Compromise of the law at the outset will constantly plague the Government when the time comes to vindicate the law. A wide variety of interpretations without any centralizing force will create uncertainty and distrust. The National Labor Relations Board will be called into operation only where there has been a record of failure rather than success; only when the prestige of the Government has already been impaired by the failure of its agencies. Moreover, the duplication of effort and the long delay before complaints of unfair practices finally reach the Board will wreak havoc upon workers' rights. The worker who is wronged must get help quickly if at all. The injury of the long delay can never be redressed. The occasion to protest by his own collective action, once let past, can never be recalled. These are not fancied evils; they are present now because of the very policies which I do not wish to see continued.

To prevent unfair labor practices, the National Labor Relations Board must have control of enforcement not at the end of the trail but from the very beginning. It must follow the procedure that is followed by the Federal Trade Commission in preventing unfair trade practices. No one would suggest, when there is a claim of an unfair trade practice, that there should first be mediation by the Department of Commerce and then action by the Commission in the event of failure.

In addition, if the Department of Labor is to control the first steps in regard to the prevention of unfair practices, it will have the discretion to cut enforcement off its sources. "Judicial independence" will do the Board no good as to cases that never reach it.

Thus the issue raised is a very narrow one. If the purpose of placing the National Labor Relations Board in the Department of Labor is that the Department and the Board shall function jointly to protect the rights guaranteed by section 7 (a), then the whole enforcement mechanism will collapse because of dispersion of responsibility and because of an overlapping of conciliation and judicial work. And if the Board should operate independently of the Department, it is unfair to make it subject to departmental control over budget and personnel.

In view of these major considerations, which have proved controlling in every other case where the Government has set up a quasi-judicial body, the point that there might be some overlapping of statistical work by the Board and the Department of Labor is trivial and unrealistic. In fact, it is entirely appropriate to amend the bill, as has been done, to provide that the Board should not do any statistical work, mediation, or conciliation, when such services are available in the Department of Labor.

It should be repeated that the National Labor Relations Board is to be purely a quasi-judicial commission. Its prestige and efficacy must be grounded fundamentally in public approval and in equal confidence in its impartiality by labor and industry. If the Board is placed in the Department it will suffer ab initio from the suspicion that it is not a court, but an organ devoted solely to the interests of laboring groups. Far from helping labor, this will impair the work of the Board and render more difficult the sustaining of its supposedly impartial decisions by the Federal court.

Finally, let me emphasize the paramount consideration that the inclusion of the Board in the Department of Labor will injure not only the Board, but the Department itself, and through it the interests of labor. The Department was not established to handle all the industrial relation problems of the Government. It was not established to covet impartial or quasi-judicial functions, or to interpret laws of Congress. It was founded, as is too often forgotten now, as a department for labor, and to "foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment." There is more work of this type to be done than ever before and the Department is in no danger of lapsing into disuse if it is aware of its duties. I believe that labor would have fared better under the codes if the Department had remained true to its function as a militant organ for working people, rather than attempted to appear as a labor relations bureau of the Federal Government, representing all interests alike, and overzealous to guard itself against supposed encroachments. The efforts to secure control over an impartial quasi-judicial board is a definite step by the Department away from those activities which can make it most useful to the working people of America.

The Senate bill very wisely has made the Board an independent agency. The House should follow the Senate on this very vital matter.

Mr. CONNERY. Mr. Chairman, will the gentleman yield?

Mr. MARCANTONIO. I yield.

Mr. CONNERY. The gentleman knows, and I think the House should know, that in this amendment all we did was to put the Board under the Department of Labor.

Mr. MARCANTONIO. The answer is that while it is claimed that only nominally do we place the Board under the Department of Labor, nevertheless once it is placed there the Department of Labor and the Secretary of Labor are given budgetary control over the Board.

Once you have budgetary control over that Board, the Board must naturally become susceptible to the policies of the Department of Labor.

Mr. CONNERY. Will the gentleman yield?

Mr. MARCANTONIO. I yield to the gentleman from Massachusetts.

Mr. CONNERY. The Supreme Court of the United States is under the Attorney General. They cannot hire a janitor without that item appearing in the budget of the Attorney General. Now, no one would say that the Supreme Court is not an independent body.

Mr. MARCANTONIO. We are not dealing with the Supreme Court here. Those gentlemen are appointed for life.

Mr. RAMSPECK. Will the gentleman yield?

Mr. MARCANTONIO. I yield to the gentleman from Georgia.

Mr. RAMSPECK. The members of the Supreme Court hold office for life and, of course, are not susceptible to influence.

Mr. MARCANTONIO. In a letter to the House Committee on Labor, set forth in the committee's report on the Wagner-Connery bill, Chairman Biddle, of the National Labor Relations Board, set forth the various reasons why the proposed board should be an independent agency rather than in the Department of Labor. These reasons are powerfully reinforced by the decision of the Supreme Court in the Schechter case and in Rathbun against United States.

One of the main points in the Schechter decision was that section 3 of the National Industrial Recovery Act, authorizing the President to promulgate codes of fair competition, constituted an invalid delegation of legislative power in that it permitted the President, without the guidance of adequate standards fixed by Congress, "to exercise an unfettered discretion to make whatever laws he thinks may be needed or advisable for the rehabilitation and expansion of trade or industry." The Court contrasted the delegation of legislative power and the executive procedure provided in the National Industrial Recovery Act with the laying down by Congress of a specific policy to be administered by boards, with procedure of a quasi-judicial nature. Thus the Court referred to the Federal Trade Commission Act, which declared unlawful "unfair methods of competition", a phrase which the Court said "does not admit of precise definition, its scope being left to judicial determination as controversies arise." The following is quoted from the decision in the Schechter case:

> What are "unfair methods of competition" are thus to be determined in particular instances, upon evidence, in the light of particular competitve conditions and of what is found to be a specific and substantial public interest. * * *
>
> To make this possible, Congress set up a special procedure. A commission, a quasi-judicial body, was created. Provision was made for formal complaint, for notice and hearing, for appropriate findings of fact supported by adequate evidence, and for judicial review to give assurance that the action of the Commission is taken within its statutory authority. * * *
>
> In providing for codes, the National Industrial Recovery Act dispenses with this administrative procedure and with any administrative procedure of an analogous character.

To enforce the prohibition of the unfair labor practices described in section 8, the Wagner-Connery bill contemplates the creation of a tribunal whose procedure and functions are modeled closely after the Federal Trade Commission. To assure that the proposed National Labor Relations Board will be accorded a similar standing by the courts, it is important that nothing appear in the act indicating that Congress regards the Board merely as a bureau or agency of one of the executive departments.

The nature of boards like the Federal Trade Commission, the Interstate Commerce Commission, and the proposed National Labor Relations Board is again clearly set forth by the Supreme Court in the case of Rathbun against United States, decided May 27. In that case the Court decided that the President could not remove a Federal Trade Commissioner during his statutory term of office except for the causes enumerated in the statute. The Court distinguished its earlier decision in *Myers* v. *United States* (272 U. S. 52), where it was held that the President had the constitutional power to remove a first-class postmaster, despite a provision in the statute that such officer could be removed only on the advice and consent of the Senate. The distinction taken was that the first-class postmaster was engaged in an executive function and hence should necessarily be responsible to the President, whereas the Federal Trade Commissioner was not an executive officer at all, but was acting in a quasi-judicial and quasi-legislative capacity.

The Court referred to the report of the Senate Committee on Interstate Commerce recommending the passage of the Federal Trade Commission Act:

> The report declares that one advantage which the Commission possessed over the Bureau of Corporations (an executive subdivision in the Department of Commerce which was abolished by the act) lay in the fact of its independence, and that it was essential that the Commission should not be open to the suspicion of partisan direction. The report quotes (p. 22) a statement to the committee by Senator Newlands, who reported the bill, that the tribunal should be of high character and "independent of any department of the Government * * * a board or commission of dignity, permanence, and ability, independent of Executive authority, except in its selection, and independent in character."

Continuing, the Court said:

> Thus, the language of the act, the legislative reports, and the general purposes of the legislation as reflected by the debates, all combine to demonstrate the congressional intent to create a body of experts who shall gain experience by length of service—a body which shall be independent of Executive authority, except in its selection, and free to exercise its judgment without the leave or hindrance of any other official or any department of the Government. To the accomplishment of these purposes it is clear that Congress was of opinion that length and certainty of tenure would vitally contribute. And to hold that, nevertheless, the members of the Commission continue in office at the mere will of the President might be to thwart, in large measure, the very ends which Congress sought to realize by definitely fixing the term of office. * * *
>
> The actual decision in the Myers case finds support in the theory that such an officer is merely one of the units in the executive department and, hence, inherently subject to the exclusive and illimitable power of removal by the Chief Executive, whose subordinate and aide he is. Putting aside dicta, which may be followed if sufficiently persuasive but which are not controlling, the necessary reach of the decision goes far enough to include all purely executive officers. It goes no farther—much less does it include an officer who occupies no place in the executive department and who exercises no part of the executive power vested by the Constitution in the President.
>
> The Federal Trade Commission is an administrative body created by Congress to carry into effect legislative policies embodied in the statute in accordance with the legislative standard wherein prescribed, and to perform other specified duties as a legislative or as a judicial aid. Such a body cannot in any proper sense be characterized as an arm or an eye of the executive. Its duties are performed without executive leave and, in the contemplation of the statute, must be free from executive control. In administering the provisions of the statute in respect of "unfair methods of competition"—that is to say, in filling in and administering the details embodied by that general standard—the Commission acts in part quasi-legislatively and in part quasi-judicially * * *
>
> We think it plain under the Constitution that illimitable power of removal is not possessed by the President in respect of officers of the character of those just named. The authority of Congress, in creating quasi-legislative or quasi-judicial agencies, to require them to act in discharge of their duties independently of executive control cannot well be doubted; and that authority includes, as an appropriate incident, power to fix the period during which they shall continue, and to forbid their removal except for cause in the meantime. For it is quite evident that one who holds his office only during the pleasure of another cannot be depended upon to maintain an attitude of independence against the latter's will.

It is to be noted that though the House Committee on Labor voted to establish a National Labor Relations Board "in the Department of Labor", the committee report states:

> The committee does not intend by this change to subject the Board to the jurisdiction of the Secretary of Labor in respect of its decisions, policies, budget, or personnel. An amendment offered by the Secretary of Labor requiring that the Board's appointments of employees shall be subject to the approval of the Secretary was not accepted by the committee. We recognize the necessity of establishing a board with independence and dignity, in order that men of high caliber may be persuaded to serve upon it, and in order to give it a national prestige adequate to the important functions conferred upon it. While it is convenient to locate the Board in the Department which deals with labor problems, this nominal connection will not impair the independence of the Board, which will be free to administer the statute without accountability except to Congress and the courts.

This being the purpose of the committee, is it not the part of prudence to put the matter beyond doubt and establish the Board as a wholly independent agency? The phrase in the bill "in the Department of Labor" standing alone might carry an implication that the Board is a bureau of the Department of Labor and hence automatically subject to the control of the Secretary in the matter of budget and personnel, and invites the risk that under the Myers case the President might have the unrestrained power of removal of the members of the Board during their statutory terms of office, contrary to the intent of Congress.

Therefore the committee amendment should be defeated and the Board should be left independent.

Mr. CONNERY. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 10 minutes.

Mr. ELLENBOGEN. Mr. Chairman, I object.

Mr. CONNERY. Mr. Chairman, I move that all debate on this section and all amendments thereto close in 10 minutes.

The motion was agreed to.

Mr. O'MALLEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I dislike very much to disagree with my good friend the gentleman from Massachusetts [Mr. CONNERY], Chairman of the Labor Committee, because I know that in this entire House there is no greater friend of labor and no better fighter for their interest than is the gentleman from Massachusetts. I do think, however, at this point where we are considering the creation of a labor mediation board we ought to be guided by experience.

The gentleman from Massachusetts [Mr. CONNERY] says this Board ought to be under the Department of Labor. If that is true, then the Railroad Labor Board, created years ago, should be under the Department of Labor, and it is not. That is an independent Board, and the actions of that Board have been commendable, so that we know an impartial board can do the best job for labor, industry, and the public alike. I know the gentleman from Massachusetts [Mr. CONNERY] would not tell you that we ought to put the Labor Relations Board under the Department of Labor. If he will not tell you that, then he has contradicted by his silence the very reasoning which he has given you for putting this Board under the jurisdiction of the Department of Labor. This is designed to be a judicial, impartial mediation board, and we should not subject it to the influence, control, or domination of any executive department of the Cabinet.

Mr. CONNERY. Will the gentleman yield?

Mr. O'MALLEY. I yield to the gentleman from Massachusetts.

Mr. CONNERY. I know the gentleman from Wisconsin would not say that the United States Supreme Court is subject to the orders of the Attorney General?

Mr. O'MALLEY. That has nothing to do with this question.

Mr. CONNERY. Under the amendment that has been offered we do not give the Secretary of Labor the power to appoint employees.

Mr. O'MALLEY. Will the gentleman answer this question: Does he think the Railroad Labor Board, after 10 years of success as an impartial body, should be put under the Department of Labor?

Mr. CONNERY. Well, in view of the fact they have done very well, I would leave it as it is. If we were creating a new board, that might be a different proposition.

Mr. MARCANTONIO. Will the gentleman yield?

Mr. O'MALLEY. I yield to the gentleman from New York.

Mr. MARCANTONIO. Every board that was created during the last session of Congress, including the Reconstruction Finance Corporation, the T. V. A., the Federal Farm Mortgage, the Home Owners' Loan Corporation, and others, were created as independent branches of the executive departments.

Mr. O'MALLEY. Absolutely. If the public is to have confidence in the impartiality of this Board, it should not be under the Department of Labor because then its decisions will always be clouded in the public mind with the fact the Labor Department is prolabor and the Board is tinged with a handicap in getting wide public acceptance for its findings. Therefore, this should be an independent board.

Mr. CONNERY. It has not been in the Department of Labor up to date and it did not seem to make any difference to the employers.

Mr. O'MALLEY. It will make some difference. Now, I do not say the Department of Labor should not be prolabor. Its business is to foster, protect, and promote the interests of labor, which it should do. But this Mediation Board is supposed to treat all parties affected by its authority fairly, impartially, and without prejudice one way or the other. Those of us who are friends of labor know that labor asks nothing more from government or society than a square deal and wants to give industry and the public a square deal in return. An independent Mediation Board, like the Railway Labor Board guarantees the best method for an all around square deal in labor disputes. I hope the committee amendment is defeated. We should establish an independent Labor Mediation Board.

If this committee proposal to make the Labor Mediation Board a stepchild of the Department of Labor prevails, I shall be forced to offer an amendment to provide that each of the 3 members of the proposed board be appointed by the President, 1 to represent labor, 1 industry, and 1 the public, as on the Rail Labor Board, to insure fairness to all concerned in labor disputes. This I do not want to do, because I believe the President, in his wisdom, will so constitute the new board, if it is an independent agency, when he makes his appointments. Make this Board a real mediation board, not only for labor but for industry and the general public, by voting to defeat this committee amendment, and you will be doing the best job for labor and the country that we could do here today.

Mr. RAMSPECK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAMSPECK. A vote of "aye" is a vote in favor of the committee amendment, which places this Board in the Department of Labor, and a vote of "no" is for the establishment of an independent board?

The CHAIRMAN. The gentleman is correct. A vote of "aye" is a vote in favor of the committee amendment.

The question is on the committee amendment.

The question was taken; and on a division (demanded by Mr. CONNERY) there were—ayes 48, noes 130.

So the committee amendment was rejected.

The Clerk read the following committee amendment:

On page 8, line 12, after the word "Board" insert "any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause."

The committee amendment was agreed to.

Mr. RAMSPECK. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. RAMSPECK: On page 7, line 24, after the word "created", strike out "as an independent agency in the executive branch of the Government."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. RAMSPECK].

The amendment was agreed to.

Mr. EKWALL. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. EKWALL: On page 8, line 4, after the word "members", insert "no more than two of whom shall be members of the same political party."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon.

The question was taken; and on a division (demanded by Mr. EKWALL) there were—ayes 79, noes 97.

So the amendment was rejected.

The Clerk read as follows:

SEC. 4. (a) Each member of the Board shall receive a salary of $10,000 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment. The Board shall appoint, without regard for the provisions of the civil-service laws but subject to the Classification Act of 1923, as amended, an executive secretary, and such attorneys, examiners, and regional directors, and shall appoint such other employees with regard to existing laws applicable to the employment and compensation of officers and employees of the United States, as it may from time to time find necessary for the proper performance of its duties and as may be from time to time appropriated for by Congress. The Board may establish or utilize such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed. Attorneys appointed under this section may, at the direction of the Board, appear for and represent the Board in any case in court. Nothing in this act shall be construed to authorize the Board to appoint individuals for the purpose of conciliation or mediation (or for statistical work), where such service may be obtained from the Department of Labor.

(b) Upon the appointment of the three original members of the Board and the designation of its chairman, the old Board shall cease to exist; and all pending investigations and proceedings of the old Board, and all proceedings in the courts pursuant to Public Resolution No. 44, approved June 19, 1934 (48 Stat. 1183), to which the old Board is a party, shall be continued by the Board in its discretion. All orders made by the old Board pursuant to said Public Resolution No. 44 shall continue in effect unless modified, superseded, or revoked by the Board after due notice and hearing. All employees of the old Board shall be transferred to and become employees of the Board with salaries under the Classification Act of 1923, as amended, without acquiring by such transfer a permanent or civil-service status. All records, papers, and property of the old Board shall become records, papers, and property of the Board, and all unexpended funds and appropriations for the use and maintenance of the old Board shall become funds and appropriations available to be expended by the Board in the exercise of the powers, authority, and duties conferred on it by this act.

(c) All of the expenses of the Board, including all necessary traveling and subsistence expenses outside the District of Columbia incurred by the members or employees of the Board under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Board or by any individual it designates for that purpose.

With the following committee amendment:

Page 10, beginning in line 1, after the word "exist", strike out the remainder of the line and all of lines 2, 3, 4, 5, 6, 7, 8, and down to and including the word "hearing" in line 9.

The committee amendment was agreed to.

With the following further committee amendment:

Page 10, line 12, after the word "amended", strike out the remainder of line 12 and down to and including the word "status" in line 13.

The committee amendment was agreed to.

Mr. EKWALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EKWALL: Page 9, line 6, after the word "appoint", strike out the words "without regard for the provisions of the civil-service laws but subject" and insert in lieu thereof the following: "subject to the provisions of the civil-service laws and."

The amendment was rejected.

Mr. TREADWAY. Mr. Chairman, I move that the further reading of the bill be dispensed with and that it be printed in the RECORD.

The CHAIRMAN. The Chair cannot recognize the gentleman for that purpose.

Mr. TREADWAY. Then, Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with.

Mr. RAMSPECK. I object, Mr. Chairman.

Mr. O'MALLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. O'MALLEY. Do I understand that the motion of the gentleman from Massachusetts [Mr. TREADWAY] was to dispense with the reading of the bill and print it in the RECORD as amended by the committee?

The CHAIRMAN. That request was objected to.

The Clerk read as follows:

SEC. 7. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection.

Mr. RICH. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. RICH: Page 11, line 20, after the word "protection", insert "free from coercion and intimidation from any source."

The amendment was rejected.

The Clerk read as follows:

SEC. 8. It shall be an unfair labor practice for an employer—

(1) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 7.

(2) To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it: *Provided*, That subject to rules and regulations made and published by the Board pursuant to section 6 (a), an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay.

(3) By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization: *Provided*, That nothing in this act, or in the National Industrial Recovery Act (U. S. C., title 15, secs. 701–712), as amended from time to time, or in any code or agreement approved or prescribed thereunder, or in any other statute of the United States, shall preclude an employer from making an agreement with a labor organization (not established, maintained, or assisted by any action defined in this act as an unfair labor practice) to require as a condition of employment membership therein, if such labor organization is the representative of the employees as provided in section 9 (a), in the appropriate collective bargaining unit covered by such agreement when made.

(4) To discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this act.

(5) To refuse to bargain collectively with the representatives of his employees, subject to the provisions of section 9 (a).

With the following committee amendment:

Page 12, line 12, after "U. S. C.", insert "Supp. VII."

The committee amendment was agreed to.

Mr. TABER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 12, line 11, after the word "organization", strike out the colon and all down to and including the word "made" in line 22.

Mr. TABER. This provision, Mr. Chairman, provides that 51 percent of the employees of any organization can get together and make an agreement for the discharge of the other 49 percent. I do not believe the Congress wants to go on record in favor of that sort of domination of business. It is absolutely against the interests of the employees of this country, and I hope the amendment will be adopted.

Mr. CONNERY. Mr. Chairman, I merely rise to say this in opposition: The closed-shop proposition in this bill does not refer to any State which has any law forbidding the closed shop. It does not interfere with that in any way.

The amendment was rejected.

Mr. BIERMANN. Mr. Chairman, the amendment that I have sent to the desk is an identical amendment with one that has been voted down.

Mr. DEEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 12, line 25, insert at the end of line 25, the following: "It shall be an unfair labor practice for any person (a) to interfere with, restrain, or coerce employees in the exercise of their rights guaranteed in section 7; (b) to interfere with, restrain, or coerce employees in their rights to work or join, or not to join, any labor organization."

Mr. DEEN. Mr. Chairman, I shall not use the 5 minutes accorded me, but I would like to call the attention of the House to this amendment. I offer it for two reasons. First, in many important industries there are Communists and Socialists whose sole purpose is to stir up trouble between employers and employees. The amendment will help the employers to protect their employees.

This amendment will not harm the laborers, and it will not harm the employers. On the contrary, it will benefit the employer and the employee. It would prevent any Communist or Socialist from coming into your community or mine and stirring up trouble by antagonizing employees against employers in a given industry. I hope the chairman

of the committee will accept the amendment, and I hope that Members will vote for it.

Mr. CONNERY. Mr. Chairman, this is only another form of the Tydings amendment, and will cut the hide off of this bill. I hope that it will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken and the amendment was rejected.

Mr. LLOYD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 12, lines 2 and 3, after the word "organization", strike out "or contribute financial or other support to it."

Mr. LLOYD. Mr. Chairman, I would be derelict in my duty to the great body of the people in my district if I did not do something to protect the integrity of the great lumber organization known as the Loyal Legion Association of Lumbermen.

That organization was formed in 1917 at a time when no organization had even attempted to organize the lumber industry. That organization brought better working conditions for the men engaged in the lumber industry. The very structure and fabric of the 4-L organization is based on cooperation between the employer and the employee. For over 17 years that organization has had harmony in the lumber industry, and there has not been a strike for 17 years in that industry in the Northwest. I am interested only in permitting every man engaged in the lumber industry to join a union of his own choosing, but if this language, which is not necessary for the purposes of the act or for the purposes of carrying the act into effect, remains in the bill, you will have outlawed the only organization that has brought peace and better conditions to the workmen in the lumber industry in the Northwest.

Mr. KELLER. Is this to protect a company union?

Mr. LLOYD. It is not a company union. This is a union formed by the United States Government during the war, to bring peace in the lumber industry at a time when the I. W. W. had dominated the lumber industry.

Mr. KELLER. And the lumber companies have charge of it now?

Mr. LLOYD. No; it is a cooperative organization, dominated by the men themselves, with a United States district judge as the final arbiter.

Mr. GRISWOLD. Who contributes to it financially?

Mr. LLOYD. Both the company and the men.

Mr. GRISWOLD. They contribute jointly?

Mr. LLOYD. Yes.

Mr. SCHULTE. A report has been circulated throughout the Northwest, and in the gentleman's district also, that the lumberjacks today out there are the poorest paid of any in the United States.

Mr. LLOYD. They are poorly paid, but their conditions are far better than they were before the 4-L organization came into being.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. MOTT. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment offered by Mr. LLOYD.

There was no objection, and the Clerk again reported the Lloyd amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The amendment was rejected.

The Clerk read as follows:

REPRESENTATIVES AND ELECTIONS

SEC. 9. (a) Representatives designated or selected for the purposes of collective bargaining by the majority of the employees in a unit appropriate for such purposes, shall be the exclusive representatives of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment: *Provided*, That any individual employee or a group of employees shall have the right at any time to present grievances to their employer.

(b) The Board shall decide in each case whether, in order to effectuate the policies of this act, the unit appropriate for the purposes of collective bargaining shall be the employer unit, craft unit, plant unit, or other unit.

(c) Whenever a question affecting commerce arises concerning the representation of employees, the Board may investigate such controversy and certify to the parties in writing the name or names of the representatives that have been designated or selected. In any such investigation, the Board shall provide for an appropriate hearing upon due notice, either in conjunction with a proceeding under section 10 or otherwise, and may take a secret ballot of employees, or utilize any other suitable method to ascertain such representatives.

(d) Whenever an order of the Board made pursuant to section 10 (c) is based in whole or in part upon facts certified following an investigation pursuant to subsection (c) of this section, and there is a petition for the enforcement or review of such order, such certification and the record of such investigation shall be included in the transcript of the entire record required to be filed under subsections 10 (e) or 10 (f), and thereupon the decree of the court enforcing, modifying, or setting aside in whole or in part the order of the Board shall be made and entered upon the pleadings, testimony, and proceedings set forth in such transcript.

With the following committee amendment:

Page 13, after line 13, strike out all of subsection (b) including lines 14, 15, 16, and 17, and insert in lieu thereof the following:

"(b) The Board shall decide in each case whether, in order to insure to employees the full benefit of their right to self-organization and to collective bargaining, and otherwise to effectuate the policies of this act, the unit appropriate for the purposes of collective bargaining shall be the employer unit, craft unit, plant unit, or other unit."

The CHAIRMAN. The question is on the committee amendment.

Mr. TABER. Mr. Chairman, I offer the following substitute, which I send to the desk and ask to have read.

The Clerk read as follows:

Substitute offered by Mr. TABER: Page 13, line 14, strike out lines 14 to 17, inclusive.

Mr. TABER. Mr. Chairman, the result of this substitute amendment would be to do away with the power of the Board to decide what the unit of representation of employees should be. Under the bill, the way it is presented here by the committee and with the committee amendment as it stands, the Board could create units or districts or territory over which a single operation or decision or bargaining could take place, which would include plants where the employees did not belong to the union at all and were perfectly satisfied with their situation, and would throw them right out of employment. I do not think we ought to pass the bill with any such provision in it. I hope the committee will adopt this amendment and prevent such an outrage happening.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York in the nature of a substitute for the committee amendment.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 43, noes 78.

So the substitute amendment was rejected.

The CHAIRMAN. The question now is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the other committee amendment.

The Clerk read as follows:

Page 14, line 4, after the word "hearing", insert "upon due notice."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. RAMSPECK. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. RAMSPECK: Page 13, line 23, after the word "unit", strike out the period, insert a colon and the following: "*Provided*, That no unit shall include the employees of more than one employer."

Mr. RAMSPECK. Mr. Chairman, the whole purpose of this bill, the whole theory of it is that you are giving the employees of this country the right to make their own free decision as to what union they shall belong to, or whether they shall belong to any union at all. Under the committee amendment just adopted, if I construe it correctly, the employees of a given plant might be included in a unit des-

ignated by the Board, including several other plants, and forced into an agreement or under an agreement in which they had not participated, made by a union to which they did not belong and to which they did not want to belong.

I favor the right of labor to organize, and I am supporting this bill. I am speaking as a friend of labor and as a friend of the bill. As one gentleman said today, you cannot have a one-sided bill and have a fair bill. I think this amendment is a fair amendment. I think it is in the interest of organized labor and that they should not force, if any such intention exists in the committee amendment, the employees of any given plant into a union that they do not want to belong to. This amendment simply provides that there shall be no unit set up by the Board to include the employees of more than one employer. If the same employer has five or six different plants, they can put them all into one unit, but they cannot take the employees of one isolated plant and include them in a craft unit or any other sort of unit which the Board may set up without their consent and against their wishes.

I hope the Committee will adopt the amendment, because I think it will help the bill to be a success. [Applause.]

The CHAIRMAN. The time of the gentleman from Georgia [Mr. RAMSPECK] has expired.

Mr. WOOD. Mr. Chairman, I am sorry I have to disagree with the gentleman from Georgia [Mr. RAMSPECK]. I know he is honest in his belief that this amendment will improve the bill, but if the amendment is adopted it will be impossible for the national board to designate a larger unit than those employed by one employer. The coal operators and mine workers of this Nation are now engaged in working out an agreement that will affect some five or six hundred thousand coal miners of the United States. If this amendment is adopted it will preclude the power and authority of the National Labor Relations Board to have anything to do with designating a larger unit than one employer's unit, and they are represented by a number of employers.

Mr. CONNERY. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. CONNERY. According to the amendment offered by the gentleman from Georgia, the United Mine Workers would have to deal with each separate one, and they could not unite for collective bargaining as a unit in the coal industry.

Mr. WOOD. That is very true. That is also true with the building-trades industry. They reach their agreement in the cities between the general contractors' association and the various organizations. When that agreement is signed, of course, it covers any and all contractors who come under the agreement that are union.

Mr. RAMSPECK. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. RAMSPECK. The amendment I offered does not prevent other unions joining in and making a collective agreement. The unit which the Board designates is for the purpose of selecting representatives for collective bargaining. After they are selected they can get together and make an agreement covering the whole industry, but the purpose of this committee amendment is to provide a unit in which the representatives of the employees are to be selected, and for that purpose only. It would not prevent an agreement in the mine workers because they are already organized and have already selected their representatives.

Mr. WOOD. But if the gentleman's amendment is adopted the employees can only select their representatives from that one unit. The employees could not designate a national officer to represent them.

Mr. RAMSPECK. Yes; they could. By action of their union they could do that.

Mr. WOOD. They could not represent more than one unit.

Mr. RAMSPECK. Oh, yes. This limits the Board in setting up a unit for the purpose of selecting representatives. That is all.

Mr. WOOD. I hope the amendment will not be adopted, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. RAMSPECK].

The question was taken; and on a division (demanded by Mr. RAMSPECK) there were ayes 129 and noes 75.

Mr. CONNERY. I ask for tellers, Mr. Chairman.

Tellers were ordered, and the Chair appointed Mr. CONNERY and Mr. RAMSPECK to act as tellers.

The committee again divided; and the tellers reported there were ayes 127 and noes 87.

So the amendment was agreed to.

Mr. ELLENBOGEN. Mr. Chairman, I rise to change my vote from "no" to "aye," and for the purpose of making a motion to reconsider the vote.

The CHAIRMAN. The Chair will state to the gentleman from Pennsylvania that such a motion is not in order in Committee of the Whole.

The Clerk will read.

The Clerk read as follows:

PREVENTION OF UNFAIR LABOR PRACTICES

SEC. 10. (a) The Board is empowered, as hereinafter provided, to prevent any person from engaging in any unfair labor practice (listed in sec. 8) affecting commerce. This power shall be exclusive, and shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, code, law, or otherwise.

(b) Whenever it is charged that any person has engaged in or is engaging in any such unfair labor practice, the Board, or any agent or agency designated by the Board for such purposes, shall have power to issue and cause to be served upon such person a complaint stating the charges in that respect, and containing a notice of hearing before the Board or a member thereof, or before a designated agent or agency, at a place therein fixed, not less than 5 days after the serving of said complaint. Any such complaint may be amended by the member, agent, or agency conducting the hearing or the Board in its discretion at any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint. In the discretion of the member, agent, or agency conducting the hearing or the Board, any other person may be allowed to appear in the said proceeding to present testimony. In any such proceeding the rules of evidence prevailing in courts of law or equity shall not be controlling.

(c) The testimony taken by such member, agent or agency, or the Board shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony or hear argument. If upon all the testimony taken the Board shall be of the opinion that any person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice, and to take such affirmative action, including reinstatement of employees with or without back pay, as will effectuate the policies of this act. Such order may further require such person to make reports from time to time showing the extent to which it has complied with the order. If upon all the testimony taken the Board shall be of the opinion that no person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue an order dismissing the said complaint.

(d) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the Board may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

(e) If such person fails or neglects to obey such order of the Board while the same is in effect, the Board may petition any circuit court of appeals of the United States (including the Court of Appeals of the District of Columbia), or if all the circuit courts of appeals to which application may be made are in vacation, any district court of the United States (including the Supreme Court of the District of Columbia), within any circuit or district, respectively, wherein the unfair labor practice in question occurred or wherein such person resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and order of the Board. Upon such filing, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and shall make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, or setting aside in whole or in part the order of the Board. No objection that has not been urged before the Board, its member, agent or agency, shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Board as to the facts, if supported by evidence, shall be conclusive. If either

party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board, its member, agent, or agency, the court may order such additional evidence to be taken before the Board, its member, agent, or agency, and to be made a part of the transcript. The Board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which, if supported by evidence, shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate circuit court of appeals if application was made to the district court as hereinabove provided, and by the Supreme Court of the United States upon writ of certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., title 28, secs. 346 and 347).

(f) Any person aggrieved by a final order of the Board granting or denying in whole or in part the relief sought may obtain a review of such order in any circuit court of appeals of the United States in the circuit wherein the unfair labor practice in question was alleged to have been engaged in or wherein such person resides or transacts business, or in the Court of Appeals of the District of Columbia, by filing in such court a written petition praying that the order of the Board be modified or set aside. A copy of such petition shall be forthwith served upon the Board, and thereupon the aggrieved party shall file in the court a transcript of the entire record in the proceeding, certified by the Board, including the pleading and testimony upon which the order complained of was entered and the findings and order of the Board. Upon such filing, the court shall proceed in the same manner as in the case of an application by the Board under subsection (e), and shall have the same exclusive jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper, and shall in like manner to make and enter a decree enforcing, modifying, or setting aside, in whole or in part, the order of the Board; and the findings of the Board as to the facts, if supported by evidence, shall in like manner be conclusive.

(g) The commencement of proceedings under subsection (e) or (f) of this section shall not, unless specifically ordered by the court, operate as a stay of the Board's order.

(h) When granting appropriate temporary relief or a restraining order, or making and entering a decree enforcing, modifying, or setting aside in whole or in part an order of the Board, as provided in this section, the jurisdiction of courts sitting in equity shall not be limited by the act entitled "An act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes" (U. S. C., title 29, secs. 101–115).

(i) Petitions filed under this act shall be heard expeditiously, and if possible within 10 days after they have been docketed.

With the following committee amendments:

On page 15, line 20, strike out the word "appear" and insert the word "intervene."

In line 21, after the word "proceeding", insert the word "and."

Page 16, line 24, strike out "If such person fails or neglects to obey such order of the Board while the same is in effect, the Board may," and insert "The Board shall have power to."

Page 17, line 19, strike out the word "shall" and insert the word "to."

Page 17, line 21, after the word "modifying", insert "and enforcing as so modified."

Page 19, line 20, strike out all of lines 20 and 21 and insert "and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order."

Page 20, line 9, after the word "modifying", insert "and enforcing as so modified."

Page 20, line 14, strike out "(U. S. C.," and insert "approved March 23, 1932 (U. S. C., Supp. VII."

The committee amendments were agreed to.

Mr. HALLECK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HALLECK: Page 15, line 23, after the word "shall", strike out the word "not."

Mr. HALLECK. Mr. Chairman, I want briefly to call attention to what this amendment would do. If the bill becomes law a national labor relations board is set up which, as I understand it, will be a quasi-judicial body charged with hearing and determining certain questions of fact which may be presented to it. It is provided in subsection (b) of section 10:

(b) Whenever it is charged that any person has engaged in or is engaging in any such unfair labor practice, the Board, or any agent or agency designated by the Board for such purposes, shall have power to issue and cause to be served upon such person a complaint stating the charges in that respect.

It is further provided that the board shall thereupon hear witnesses and take testimony with a view of determining whether or not there have been unfair labor practices.

The particular provision to which I object reads as follows:

In any such proceeding the rules of evidence prevailing in courts of law or equity shall not be controlling.

I propose to strike out of that sentence the word "not" and to provide thereby that the general rules of evidence applying in courts of law and equity shall prevail. My idea is simply this, that the board is charged with the duty of determining questions of fact. In my view these facts should be established as any fact is established in any court, by competent evidence. I do not mean evidence circumscribed by technical rules, but I do mean that it should be evidence of fact as distinguished from hearsay, rumors, or reports; that the persons who are there present and testifying shall testify to such facts as shall establish the charge.

Further in this connection, a considerable point is made in the report of the committee to the effect that when an appeal is taken or the order is taken to the United States Court it is not tried de novo but is tried upon a transcript of the proceedings and the testimony and the evidence before the board.

[Here the gavel fell.]

Mr. CONNERY. Mr. Chairman, I rise in opposition to the gentleman's amendment merely to state that it has been clearly set out during many years why it was necessary to do away with the ordinary rules of evidence when it came to administrative boards of the United States Government. In hearings before these boards one is not dealing with a jury. Evidence presented before these boards, therefore, should not be circumscribed with all the technical rules of admissibility which have been found necessary in presenting evidence to juries.

I call the attention of Members to the fact that in the case of the Interstate Commerce Commission, the Federal Trade Commission, and the Workmen's Compensation Board the usual rules of the admissibility of evidence do not apply.

I hope the amendment is defeated.

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. HALLECK) there were—ayes, 84, noes 117.

So the amendment was rejected.

Mr. TABER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 15, line 2, after the word "code", strike out the word "law."

Mr. TABER. Mr. Chairman, I want to ask the chairman of the committee if he will not accept this amendment. It seems as though, were he really anxious to improve the bill, he would accept this amendment.

Mr. CONNERY. I will say to my friend that ordinarily I would be glad to accept an amendment of this sort, but the word "code" can mean something else besides an N. R. A. code.

Mr. TABER. I am just trying to strike out the word "law."

Mr. CONNERY. No; I think we better leave the language of the section as it is written. We have had a number of constitutional lawyers studying this bill for weeks, and I think it is a pretty good bill.

Mr. TABER. Mr. Chairman, that indicates the attitude of the committee with reference to this bill. They want it just as bad as it can be. If a law is passed, of course, changing any rule with reference to this bill, that law would supersede this. The fact this word is in there indicates they are trying to do something that is impossible. I hope this amendment will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

The Clerk read as follows:

INVESTIGATORY POWERS

SEC. 11. For the purpose of all hearings and investigations, which, in the opinion of the Board, are necessary and proper for the exercise of the powers vested in it by section 9 and section 10—

(1) The Board, or its duly authorized agents or agencies, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question. Any member of the Board shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question, before the Board, its member, agent, or agency conducting the hearing or investigation. Any member of the Board, or any agent or agency designated by the Board for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(2) In case of contumacy or refusal to obey a subpena issued to any person, any District Court of the United States or the United States courts of any Territory or possession, or the Supreme Court of the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(3) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to the subpena of the Board, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(4) Complaints, orders, and other process and papers of the Board, its member, agent, or agency, may be served either personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return post-office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Board, its member, agent, or agency, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(5) All process of any court to which application may be made under this Act may be served in the judicial district wherein the defendant or other person required to be served resides or may be found.

(6) The several departments and agencies of the Government, when directed by the President, shall furnish the Board, upon its request, all records, papers, and information in their possession relating to any matter before the Board.

SEC. 12. Any person who shall willfully resist, prevent, impede, or interfere with any member of the Board or any of its agents or agencies in the performance of duties pursuant to this act shall be punished by a fine of not more than $5,000 or by imprisonment for not more than 1 year, or both.

LIMITATIONS

SEC. 13. Nothing in this act shall be construed so as to interfere with or impede or diminish in any way the right to strike.

SEC. 14. Wherever the application of the provisions of section 7 (a) of the National Industrial Recovery Act (U. S. C., title 15, sec. 707 (a)), as amended from time to time, or of section 77 (b), paragraphs (l) and (m) of the act approved June 7, 1934, entitled "An act to amend an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States', approved July 1, 1898, and acts amendatory thereof and supplementary thereto" (48 Stat. 922, pars. (l) and (m)), as amended from time to time, or of Public Resolution No. 44, approved June 19, 1934 (48 Stat. 1183), conflicts with the application of the provisions of this act, this act shall prevail: *Provided*, That in any situation where the provisions of this act cannot be validly enforced, the provisions of such other acts shall remain in full force and effect.

With the following committee amendment:

Page 24, line 7, insert the words "Supp. VII", and on page 24, line 8, strike out "(b)" and insert "B."

The committee amendments were agreed to.

Mr. BIERMANN. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BIERMANN: On page 24, strike out section 13 and substitute the following language: "Nothing in this act shall be construed so as to diminish the right to strike before an agreement has been made between the employer and the duly authorized representatives of the employees. After that agreement has been made, and so long as it shall be observed by the employer, a strike shall be considered as a violation of the spirit of this act."

Mr. BIERMANN. Mr. Chairman, I merely want to read the section as it is now and the amendment which I offer in its place. The section as it reads now is:

Nothing in this act shall be construed so as to interfere with or impede or diminish in any way the right to strike.

I offer as a substitute these words:

Nothing in this act shall be construed so as to diminish the right to strike before an agreement has been made between the employer and the duly authorized representatives of the employees. After that agreement has been made, and so long as it shall be observed by the employer, a strike shall be considered as a violation of the spirit of this act.

Mr. CONNERY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is another amendment like the Tydings amendment that would hamstring this bill. It would take the heart right out of it and kill the bill. It is another way of interfering with labor's right to strike, which is not a right that comes from Congress, but is a divine right which comes from the Almighty God.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. BIERMANN].

The question was taken; and on a division (demanded by Mr. BIERMANN) there were—ayes 115, noes 109.

Mr. CONNERY. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. CONNERY and Mr. BIERMANN to act as tellers.

The Committee again divided; and the tellers reported there were ayes 107 and noes 140.

So the amendment was rejected.

Mr. CONNERY. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CONNERY: On page 24, at the end of line 20, insert a new section, as follows: "Nothing in this act shall abridge the freedom of speech or the press as guaranteed in the first amendment of the Constitution."

The amendment was agreed to.

The Clerk read as follows:

SEC. 15. If any provision of this act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 16. This act may be cited as the "National Labor Relations Act."

Mr. CONNERY. Mr. Chairman, I ask unanimous consent that the Clerk may be given permission to renumber the sections.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. ARNOLD, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (S. 1958) 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, under the resolution (H. Res. 263), he reported the same back to the House with sundry amendments agreed to in committee.

The SPEAKER. Under the rule, the previous question is ordered on the bill and amendments to final passage.

Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

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

Mr. HARTLEY. Mr. Speaker, I offer a motion to recommit.

The Clerk read as follows:

Mr. HARTLEY moves to recommit the bill to the Committee on Labor with instructions to that committee to refer the bill back to the House forthwith with the following amendment: On page 11, line 20, after the word "protection", insert the following: "free from coercion or intimidation from any source."

Mr. CONNERY. 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 motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. TABER. Mr. Speaker, on that I ask for the yeas and nays.

The SPEAKER. The Chair will count. [After counting.] Twenty Members have risen. Not a sufficient number.

The yeas and nays were refused.

The question was taken, and the bill was passed.

A motion to reconsider was laid on the table.

The title was amended to read as follows: "An act to diminish the causes of labor disputes burdening or obstructing interstate and foreign commerce, to create a National Labor Relations Board, and for other purposes."

EXTENSION OF REMARKS—WAGNER-CONNERY LABOR-DISPUTES BILL

Mr. SCHNEIDER. Mr. Speaker, since the beginning of this session of Congress I have favored the passage of an adequate bill guaranteeing the right of labor to organize and bargain collectively, and wiping out the inequalities in bargaining power between the employer and employee. I believe that the Wagner-Connery labor-disputes bill, which has been favorably reported by the House Labor Committee, upon which I have had the privilege of serving, will do much to accomplish these purposes and to prevent industrial unrest. I am heartily in favor of its passage now by the House and am opposed to amendments which will hamstring its enforcement.

This bill strengthens the guaranties to labor of the right to organize and bargain collectively, as originally provided in the National Industrial Recovery Act. By this legislation we state clearly that—

Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection.

The bill further defines these rights by prohibiting the following unfair labor practices on the part of the employers:

First. Restraint or coercion of employees in the exercise of their rights to organize and bargain under the section quoted above.

Second. Domination or interferences with the formation or administration or contribution of financial or other support to labor organizations.

Third. Discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in labor organization. "A reservation is made of the right of the employers and employees to make voluntary contracts to operate under a union-shop agreement."

Fourth. Discharge or other discrimination against an employee because he has filed charges or given testimony under this law.

Fifth. Refusal to bargain collectively with the representatives of the employees, who are selected by a majority vote, in respect to rates of pay, wages, hours of employment, and other conditions of employment. Employees other than the designated representatives, individually or otherwise, may present grievances.

The principal objection to the bill has been to this section defining unfair trade practices. The chief misrepresentations relative to these provisions alleged that they compel closed-shop conditions.

A careful analysis of this bill will show, however, that there is no requirement by governmental regulation that shops be unionized, but merely a guarantee of the right of the workers, however organized, to determine by a majority vote who shall represent them in negotiations on rates of pay, wages, hours of employment, and other conditions. The closed shop may be established only in those cases where the employer and employee voluntarily operate on this basis.

The bill provides further for creation of a National Labor Relations Board, a quasi-judicial group with three members, which is given authority to investigate industrial disputes, discrimination, and other violations of the law. If, after proper notice and hearings, the Board finds that any concern has been engaging in any of the unfair labor practices listed, it has authority to issue orders prohibiting such violation of the law and may take affirmative action to enforce its orders. It may order reinstatement of employees unfairly treated in violation of the law, with or without back pay.

Penalties are provided for failure to observe the law, and provision is made for enforcement through the courts. Many of the legal technicalities are waived in connection with the procedure of the Board, and representatives of the Board are authorized to hear disputes in various parts of the country, so it is unnecessary for a worker to journey to Washington to present his case.

As indicated in the preamble of the bill, this legislation is necessary to equalize the rights and privileges of workingmen and their employers by removing the inequalities in bargaining power. It also aims to give the worker full freedom of association with a view and for the purpose of securing an agreement on any matter in dispute in the relationships of the employer and the employee.

Since the great expansion of our industrial system, the laborer has become only a small cog in the vast industrial machinery, and an attempt is made here to preserve his right to stand on an equal footing with the employer in making a contract for the sale of his services and regulating the conditions under which he works. I urge the enactment of this bill by the House.

While those of us who favor the bill are very hopeful that it will accomplish all the purposes intended, its success will depend upon the character of the members of the Board appointed by the President and the thoroughness and firmness with which they administer the act.

Mr. GILDEA. Mr. Speaker, eternal vigilance is the price American workingmen must pay for economic freedom. The strong right hand of labor must always be on the alert to stave off the armed forces of aggrandizement, and unfortunately, labor must be equally as vigilant to safeguard its interest from the mistakes of those who pose as well-meaning friends.

The Wagner-Connery labor-disputes bill was hailed as a new Magna Carta for organized labor. It was looked upon as a measure restoring lost teeth to section 7 (a) of the National Recovery Act, but the teeth have been for the time being pulled out and the intention of the labor-disputes bill has been as completely turned aside by amendments as section 7 (a) was nullified by the Richberg interpretation, and if the amendments tacked onto the bill are permitted to remain therein the bill itself will be as powerless as N. R. A. after the Supreme Court decision had replaced the Blue Eagle with a stuffed chicken.

The same forces are at work today and within the circle of labor's friends originate the harmful amendment, just the same as the interpretation on section 7 (a) in the Motor Code case was made by a recognized friend of labor.

The amendments tacked onto the labor-disputes bill were no bright little ideas that came spontaneously to their authors as they sat in their seats on the floor of the House.

The major amendment would prevent the new National Labor Relations Board from recognizing as a collective-bargaining unit any group consisting of employees of more than one employer.

Coal miners in my home district would be compelled to deal with each individual employing company and the principle of collective bargaining, established through 35 years of untiring effort, would be wiped out by congressional action in a bill supposedly drawn up in the interest of the working class.

The amendment strikes a damaging blow against national unions which labor through its own effort has created and degenerates into an extension of the Government-union idea, one union for each plant.

The open shop would be restored, chaos in industries such as mining would ensue, and protection would be given the chiseler instead of support and protection being given the organized workers of each separate craft.

Business, as well as labor, is better off when wage conditions are uniform in an industry.

The Senate and the House conferees must strip the amendments from the Wagner-Connery bill.

Labor must insist on a roll-call vote as its one and only safeguard against under-cover effort on the part of the opposition to defeat its program.

Real friends of labor, such as Senator WAGNER and the Chairman of our own House Labor Committee, BILL CONNERY, can be counted upon to strike out the damaging amendments in conference and then it behooves all of us to stand up and be counted in defense of the conference report and in support of the principle of collective bargaining recognized and established as a national policy through the Labor Relations Board.

Labor looks for the support and backing of every Roosevelt Democrat on this side of the aisle. Labor appreciated the aid given this bill by true-hearted liberals on the other side of the aisle, who were among the staunchest supporters of the bill.

The combined strength of both forces is needed to smoke out the opponents, and there is just one way to make this bill a power for good—strip the bill of its nullifying amendments and give the newly created Labor Board a complete set of sound teeth with which to enforce regulations, and then through Government recognition of the rights of labor weld the man power of the Nation into a united force working for the general welfare of our people and the permanent recovery of our Nation.

EXTENSION OF REMARKS

Mr. O'MALLEY. Mr. Speaker, I ask unanimous consent to include in the revision of my remarks a letter I wrote to employers on the Wagner-Connery labor bill.

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

There was no objection.

EQUALITY OF RIGHTS AND OPPORTUNITIES AMONG WAGE EARNERS

Mr. BEITER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a statement issued by the junior Senator from New York [Mr. WAGNER] on the bill just passed.

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

There was no objection.

Mr. BEITER. Mr. Speaker, today the feeling against trade unionism has narrowed down to the issue against the closed shop. That term, if not positively unfair, is unfortunate. It is an appeal to sentiment, not to right reason. The closed shop is the union shop, or contract shop, for it is founded on a contract between the employer and the union authorized to speak for his employees.

Freed from all complications, what is the closed-shop issue? It has two sides, one legal the other economic and practical. A well-organized union offers to supply all the labor that an employer needs in a certain line. It proposes a contract covering wages, hours, and so forth. It is based on the principle of collective bargaining and, as a necessary corollary, collective responsibility. The union guarantees efficient and good work on the part of the employees. It cannot assume responsibility for outsiders, having no control over them.

It asserts that a shop cannot be half union and half nonunion and, therefore, it asks the employer who is willing to recognize the union at all, and with it the principle of collective bargaining, to agree to employ none but union labor. The union shop, in other words, is to be closed to nonunion workmen, not only in the interest of the contracting employees, but also in the interest of the employer.

It is clear that in America industrial peace must be based upon reason rather than force. We have always cherished the ideal of employers and workers working together with friendly and open minds in order that they may exchange views and arrive at solutions grounded not in compulsion but in mutual concessions and mutual benefits. This may be termed the method of conference, of give and take, of free cooperation.

The railway industry is the best example of the conference or voluntary method of ironing out industrial disputes between employers and employees. In this industry, the Government long ago sponsored the device of "secret elections of representatives" for collective bargaining in which the principle of majority rule applied.

In practice it was discovered that majority rule was best for employers as well as employees. Workers found it impossible to approach their employer in a friendly spirit if they remained divided among themselves. Employers likewise found it more satisfactory to confer voluntarily with a united and contented group of workers than with a group torn by internal dissension. Singleness of purpose and responsibility on each side gave to business transactions that stability which every employer desires.

Another necessary condition of peace was that the representatives of the workers should gain their confidence by representing them alone, just as an advocate in court speaks only for one side. Hence the railroad industry completely outlawed the sham union which was financed and controlled by the employer.

The right of every man to sell his labor as he sees fit is exactly the right on which the closed shop is based. The right to work and to contract for work includes the right to refuse to work except under certain conditions, and the nonemployment of certain classes of labor may very well be one of these conditions.

The right of the nonunion man is not infringed upon when the unionist merely refuses to work beside him or when he asks the employer to choose between them. As to the employer, he has a right to hire anyone he pleases, and he may discriminate at will against union and nonunion labor. Indeed, he lays great stress upon this right; and should he desire to make a contract with a union, what is to prevent such preference?

The reasons that appeal to a union man for not working with a nonunion man are manifest and obvious. Men instinctively love the society of their kind, whether in work or play, and the man who desires the society of his companions must arrange his life so that his associates are content to live with him.

Trade unionists have for centuries believed that they were upholding the rights of men, protecting the welfare of their class, and promoting the interests of their homes; that without the union shop, their liberty and their independence would be gone. This is not a fact of trade unionism alone, but a deep abiding fact in human life. In the last analysis, it is the law of self-defense; and employers have exactly the same feeling toward one of their members who gives his influence to the other side. Both feel that the offending man is disloyal to his class, and just so long as industry is carried on by two classes in hostile camps, this feeling must and will continue.

A nation goes to war to protect one of its subjects; so the union makes it its duty and concern to preserve the rights of its humblest member. This can be done only by masses of men and women who are willing to stand or fall together.

Already this responsibility for man to man has been laid upon workmen by the law. Though the employer insists

that he alone has the absolute right to employ or discharge at will, yet the courts have always insisted that it is the workman who is responsible for the negligence and lack of skill of his fellow workman, and it is he who must assume this burden or give up his employment.

The land is full of cripples, widows, and orphans whose injuries are caused by the negligence of some fellow servant whom the employer forced upon the workman; and these cripples, widows, and orphans are turned out without redress, without protection, upon the legal theory that each workman is responsible for his fellows.

The battle for trades unions has been long and bitter, and most of their rules and conditions are really founded on necessity, and are right and just in the light of experience. A close study would show that few rules established by the unions are severe or arbitrary. They have arisen in the heat of conflicting interests, and from the necessity of dealing with watchful and unscrupulous enemies.

The history of trades unionism is the history of the progress of the common people toward the comparative independence which they enjoy today; it is one long tale of struggles, defeats, and victories, and every step in their progress has been fought against stubborn and powerful oposition.

The closed shop in the only sure protection for trade agreements and for the defense of the individual. The open shop destroys organization, and in reality is the open door through which the union man goes out and the nonunion man takes his place. The open shop means uncertainties, anxiety, and a shifting basis for the principles of industry. Under the open shop, the easy job goes to the nonunion man, to the friend of the employer; the hard and dangerous task to the man whose devotion to his fellows incurs the enmity of the boss.

I am convinced that the old dog-eat-dog competition between business and business and between employer and employee is the way of destruction. That system has produced many depressions in the past, and progressively worse and longer depressions. If human experience is any guide, that old system, if allowed to continue, will produce even worse havoc in the future. It will destroy itself, as it almost destroyed itself last time.

War and strife are not ideal states, but so long as the struggles of classes continue, the weak and helpless must look to trades unionism as their most powerful defender.

This bill is intended to give to labor the effective use of its right to organization. The provisions of this bill are intended to restate labor's bill of rights and to make them effective as applied under modern conditions of industry. It is not designed to meet the present national emergency only. It is intended for all time.

Because of the vital importance to national recovery of equality of rights and of opportunities among wage earners as well as employers and other citizens, I trust you will support this measure, for if it fails of passage it will be evident that labor was misled by Congress when section 7 (a) was originally enacted and that labor's right to trade-union organization does not and is not intended to compare with the employer's right to collective action through organization.

Mr. Speaker, I tender a statement of the junior Senator from New York, the Honorable ROBERT F. WAGNER, published in the Washington Daily News this afternoon. It discusses the important features of the bill now before us for consideration, and is very informative.

The majority of criticisms against the national labor relations bill spring from misinformation about its provisions and purposes.

First, there is the charge that the measure would regiment men in national unions. On the contrary, the bill gives added protection to workers who wish to exercise their free choice to remain completely unorganized. It provides specifically that no worker can be discharged or paid lower wages or discriminated against in any way because he refused to join any labor union of any kind.

DOES NOT FORCE UNIONISM

Second, there is nothing in the bill which favors the closed shop. It provides merely that closed-shop agreements may be made, but only in those States where they are now legal, by voluntary agreements between employers and employees. In fact, the bill somewhat narrows the now existing law sanctioning such agreements by stipulating that they shall be valid only when desired by the employer and the majority of the workers to be covered by them.

Finally, it has been argued that the bill, in order to be fair, should protect employees from "coercion" not only by employers, but by other employees as well. This argument neglects the simple objectives of the bill.

All the bill intends is to provide that employers shall not interfere with the self-organization of workers. Certainly employers already possess the right of self-organization without interference by employees; thus the bill aims at equality, not inequality.

SUPERVISION NOT SOUGHT

To supervise the activities of employees among themselves would be as foreign to the purposes of the legislation as to supervise the activities of employers among themselves. The bill does neither.

To saddle upon the National Labor Relations Board the duty to prevent "coercion" by labor unions or employees would create a superfluous remedy for wrongs simply dealt with today by police courts and by injunctive relief in Federal and State courts, and in addition it would destroy the usefulness of the Board by overwhelming it with petty complaints.

Moreover, in view of court decisions, the prohibition of "coercion" by employees would give new congressional sanction to those many old decisions which have banned peaceful picketing, the mere threat to strike, and even the circularization of banners, on the ground that they were "coercive." This in effect would repeal the Norris-LaGuardia Anti-Injunction Act, and instead of promoting the freedom of the worker would drive him back into the bondage that existed before that humane piece of legislation was enacted.

OLD-AGE SUPPORT AND THE PROBLEM OF SWOLLEN FORTUNES

Mr. GRAY of Indiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the support of old age and great fortunes.

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

There was no objection.

Mr. GRAY of Indiana. Mr. Speaker, there was a time in this country when the common laboring man could provide a living for his family while saving sufficient for old age. And there was a time when it was possible for laboring men to help their aged parents while providing for their own family. But under new and changed conditions this time is past and gone; and the work-worn laboring man is left at the close of life's weary day helpless, dependent, and without means to live.

In the days of his young manhood and prime he had expended his strength and energies, he had exhausted his body, he had sped up in production, he had produced to the limit of endurance. But he had toiled and labored only to find the ownership and credit for the wealth he had created had passed from him to others. And he had only taken from his toil and labor sufficient to sustain him from day to day and that only while he remained employed.

Even the common middle classes, always holding and using some property of their own with their labor for income, and saving up a sufficient sum for use during their declining years, now find themselves bankrupt and insolvent, without means and support in their old age. Finally, the earnings of the middle classes have been reduced until the amount received is barely sufficient for their needs from day to day. And following came the panic or depression to sweep away the savings of former years, leaving them destitute and in want in the winter of their lives.

Prof. Irving Fisher, of Yale University, shows in a statement of earnings and income that out of 120,000,000 people 96,000,000 are making incomes barely sufficient to meet the present needs to live, leaving nothing to serve for old age, and millions becoming dependent each year.

Even up to this time, every two men who are earning their living are paying taxes in some form for the present support of another man, with earnings and income still diminishing and taxes and the cost of living still increasing. This great economic, industrial change, this failure of earnings and income of the many, the masses, the multitude, has come to be the pressing problem, pressing for immediate action and solution. And to meet and solve the problem and to remedy the cause we must know why this change came, we must know how it came, we must know the men or forces bringing it on, we must know the system under which it came.

All wealth is dug out of the ground or created by toil and labor. But the many who produce the most of it have come to possess and enjoy the least of it, and the few who produce the least of it have come to hold the most of it. The few have come to hold wealth which they could not dig out of the ground nor create by their toil and labor, working every day for a thousand years and for which they have never worked for a single day to produce or acquire.

It has been stated and shown by authority that less than fifteen one-hundredths part of the people have come to own and possess eighty-five one-hundredths of all the wealth and property of the country. And that less than fifteen one-hundredths part of the wealth is left to be divided up among more than eighty-five one-hundredths of the people. There has been a certain amount of wealth created and is in existence in this country, and where a few men hold such great wealth and part of the property and earnings it follows as a conclusive result that only a small part is left, and very little can be left for each, when divided up among the many.

But if the national debt does not exceed or equal all wealth today, and these powers of money or wealth to double and multiply itself shall be allowed to continue on, it is only a question of time when a few men will own all the wealth and the many will own little or nothing. But the rich are growing richer, and the poor are growing poorer. The few are taking more and more of the incomes, and the many are taking less and less of the incomes. Last year 26 more men took a million dollars or more each and 81 less men were taking $5,000 each, and still more were left with little or no income.

But there is much evidence and authority to show that, in fact, all wealth has already passed from the many—the masses—to the certain special few. While a part has been left remaining and shown held in the name of the people, the people have given their notes and mortgages and are charged on bonds and obligations until the public and private debt now stands in excess of all wealth. Mr. J. H. Rand, of the Remington Typewriter Co., is authority for the statement in 1932 that the total debt was $141,924,300,000, while the total value of all wealth was $138,000,000,000—or total wealth two billions less than the total debt, and on the application of all the property to the debt there would still be a deficit and no equity remaining.

And what is true today of the distribution of wealth is true or more than true of the earnings and income of industry. Less than fifteen one-hundredths part of the people are taking over eight-five one-hundredths part of the earnings and the income, or seven times as much income as eighty-five one-hundredths of the people are taking to be divided up among them. The incomes and earnings of all the people working and producing together is variously estimated and stated from 60 to 70 billions of dollars annually under normal industrial conditions. This is a huge, monstrous sum of money—too large for realization or comprehension, too large for any few men, but not so large if divided out among the 120,000,000 people accordingly as they labor to produce.

During the last few years of normal conditions, from this national income, some men have reached in and taken out $5,000,000 each. Some men have taken four, three, or two millions each, one family has taken over $55,000,000 a year; 16,000, or less than thirteen one-hundredths part of the people, have taken four and one-half billions annually, leaving the remaining part to be divided up among the balance of 120,000,000 people. Then another certain few men, taking only less than $1,000,000 each, have taken a large part of what remains, leaving a still smaller portion to be divided up among the remainder of 120,000,000 people.

This condition is all because of the system under which money makes money, and makes more money and faster than men by labor can make money. And the money of the few men makes more money than the labor of the many. Wealth and capital increases and multiplies, and the capital and wealth of a few men increases and multiplies and brings more income than all the toil and labor of the many, the multitudes.

Under new and changed conditions, with the automatic machine in industry which has taken the place of manpower, and is supplanting the craft of the human hand, the certain special few are taking both the earnings of capital investments and the greater part of the income which in other times was going to labor. And certain few gambling financiers are acquiring billions from the people under and by stock-jugglery operations and holding-company manipulations, and the system of reorganizing corporations with watered- and excess-stock issues.

These few men are making money not only by collecting interest on their own money, but by collecting interest on all the people's money, by collecting interest on every dollar which the Government puts into circulation, and collecting this interest as long as it remains in circulation. But, even more than collecting interest on their own and people's money, by certain gambling devices and fictions, they are loaning 10 times their capital and deposits, and are collecting interest on billions of dollars loaned which, in fact, have no existence.

Labor and the consuming masses must pay the final and total interest charge on all the interest collected in whatever form, and from whatever source. They must pay the interest charge upon the corporation debt of 76 billions. They must pay the interest charge upon the urban mortgage debt of 37 billions. They must pay the interest charge upon the bank loans of 35 billions. They must pay the interest charge upon the State, county, and municipal debts which now amount to more than 25 billions of dollars. They must pay the interest charge upon the increased national debt, now amounting to 32 billions of dollars.

They must pay the interest charge upon the farm mortgages of $9,000,000,000. They must pay the interest charge upon life-insurance loans of $3,000,000,000. They must pay the interest charge upon the retail installment loans, now amounting to more than $3,000,000,000. They must pay the interest charge upon the unlawful pawnbrokers' loans, which now amounts to over $1,000,000,000. They must pay the interest charge upon the total staggering debt, which now amounts to more than the value of all wealth, and which it is absolutely impossible for men to pay.

These are some of the ways a few are making more money than the many—the masses, the multitude—are making by their own toil and labor, working long hours day in and day out, working through all the years of a lifetime.

But even more pressing than the problem of the cause, than the problem of the remedy, is the problem of the relief. And first the relief of the aged and those who have labored without recompense and who have toiled a lifetime in vain. It is a problem which must be met, met promptly and without delay. We cannot wait to change our industrial system. We cannot wait to remedy the evils of our monetary or currency system to provide for relief of toilers in old age. Their working days are over. They cannot go back to begin again. The earnings and income from their labor have passed into vested property rights of great wealth and swollen fortunes and are claimed and held by the certain special few.

The pressing emergency can only be met promptly as required by taxation. The problem is what property shall be taxed to reach relief and make up from the earnings and income taken from the producers in their working days for their support in their old age.

The common middle classes have always borne and are now bearing the great burden of all taxes and they are now assessed to the limit. They can pay no more taxes.

Taxes are of two kinds—direct and indirect taxes. Direct taxes are paid at the courthouse, and which the people know how much they are paying, how much of their wages, income, and money is being taken from them. Indirect taxes are mixed and mingled with the price and levied upon the necessaries of life, which the people must pay to live and in such a way they cannot tell how much is price and how much is tax. They only know the high cost of living, they

only realize the labor required to live. The people are paying these indirect taxes every time they make a deed or conveyance of real estate, every time they make a check to pay a bill or debt, every time they buy a cigar or tobacco, every time they buy a bottle of perfume or toilet article, every time they buy a ticket to a show or amusement, and every time they purchase an article upon which a tax is in some way levied.

Every article of necessity or convenience is burdened with indirect taxes in some form—hidden, covered, and concealed in the price—and the people are paying these indirect taxes not only once or twice a year but continuously and constantly every day and every week and every month of the year. The common middle classes are now paying direct taxes at the courthouse. They are paying indirect taxes. They are paying income taxes. They are paying sales taxes. They are paying gross-sales taxes. They are paying process taxes, and they are paying taxes in many other indirect forms.

Under these present-day tax conditions the common middle classes of the people, to meet the tax demands upon them, are being drained of their incomes. They are being exhausted of their earnings. They are surrendering up the whole of the surplus of the fruits of their toil and labor. And after exhausting their present income and earnings, they are giving up their savings of former years to pay and satisfy the tax demands upon them. They are borrowing money to pay taxes. They are mortgaging their property to pay taxes. They are selling their property at sacrifice sales to meet and pay the taxes assessed upon them.

With these amounts the people are sacrificed to pay, the taxes are not sufficient to meet the demands. New forms of taxes are being devised. New sources of taxes are being planned to reach further tax resources, to take and exact even more taxes, even still greater taxes, from the people.

A sales tax is not a tax levied upon the principle of ability to pay; it is a tax levied upon the necessities of life, and it cannot be borne by the middle classes while burdened by the payment of other taxes. Another and additional tax levied now upon the middle classes of the people, another property direct or indirect tax, another sales transaction or income tax, would be the straw to break the camel's back and would be killing the goose that laid the golden egg.

The tax charge upon the people has grown until today it is $14,000,000,000, or an average per capita tax of over $114. The debt charge upon the people has been computed at present from one hundred and forty-one to two hundred and three billions of dollars. The average interest per capita charge is $115. The total tax and interest charge is over $36,000,000,000. The average per capita tax and interest charge is over $200. This amount every man, woman, and child must pay before they can provide themselves with the necessaries and comforts of life. Out of every $1 of earnings and income, 20 cents is taken as direct or indirect taxes, 33 cents is taken as interest, leaving less than half for use in fact, to provide the necessaries and comforts of life, and leaving every man to labor and toil 113 days to pay interest and taxes, out of each year.

The poor are unable and cannot pay taxes. The common middle classes are now taxed beyond the limits of their ability to pay and can pay no more taxes. And wealth is often held concealed in the form of intangible property and even if reached is shifted back upon the people in the price of necessaries.

Sometimes the common people, staggering under the burdens of taxation, demand a tax law requiring equal payment from money, capital, and wealth and enact a demand into another property direct or indirect tax, another sales-trans-law. Then, if the statute runs the galling gantlet of shrewd and crafty constitutional lawyers and the tax is assessed and levied upon wealth as required by law, the certain special few men, upon whom the tax was levied—in control of industrial production and the means to fix and control the price and the supply and distribution of the necessaries—with the power of a king, and the flourish of a despot, shift the tax back upon the people levied and assessed upon the necessaries of life and collect the whole from the helpless individual man and continue to make the people pay their taxes.

The problem is how to make wealth help pay taxes. Great wealth and swollen fortunes have not been paying taxes, according to the principle of ability to pay. The United States Senate committee in investigating taxes in 1933, found that the great bankers and financiers had not been paying their income taxes. This committee found that they had paid no taxes in 1930, that they had paid no taxes in 1931, that they had paid no taxes in 1932, and they had evaded all income taxes for 3 years.

To better show this, I quote from the late Calvin Coolidge, former President of the United States, in speaking upon another phase of taxation, but incidentally appearing as follows:

> Taxing the rich to help the poor, the poor are not helped but hurt. Taxes have to be collected by the rich before they are paid.
>
> They are collected from all the people. A higher tax means real wages or lower, the cost of living is higher, a chance to work is less, every home is burdened, its value is decreased, the quality of the food and clothing and shelter of the children is reduced.

This statement of the great ex-President is true, and strongly and explicitly stated. But instead of exempting the rich, because the rich shift the tax back upon the people, some way must be found and devised to tax the rich as well as the poor by exerting greater control over industry to protect the poor from the imposition of indirect taxes and to make the rich pay their own taxes.

But there is a way to tax great fortunes, by a tax upon high excess incomes, whether declared or left in the form of corporation stock and regardless of being juggled through holding companies. By enforcing the antitrust laws and dissolving combinations in restraint of trade to prevent shifting taxes back upon the people levied and assessed upon the necessaries of life, taxes can be collected upon incomes growing from great fortunes.

The poor cannot pay these taxes. The common middle classes are now already over tax-burdened. They are now taxed to the limit. They can pay no more taxes, whether as a direct or indirect tax or a covered, concealed, sales, or transfer tax, until men can recover back and take their just and equitable share of the earnings and income from industry, until they can claim and take income as buying and consuming power to provide for the present and to save up for the future.

A tax should be provided for the support of those who are dependent in old age and are beyond their working and earning days and still without other means of support, of from $30 to $50 per month, accordingly as their needs require to live in comfort and without want.

If this is not a conservative policy today it will be conservative tomorrow. It will be an orderly exercise of the taxing power to prevent a disorderly revolution. It will accomplish in a peaceful way what delay will bring in a violent way.

Former President Theodore Roosevelt, during his official term of office, foreseeing the conditions of today, in a public address said:

> I feel that we shall ultimately have to consider the adoption of some such scheme as that of a progressive tax on all fortunes beyond a certain amount, either given in life or devised or bequeathed upon death to any individual; a tax so framed as to put out of the power of the owner of one of these enormous fortunes to hand down more than a certain amount to any one individual.

The time has come, it is here as foretold by Theodore Roosevelt, when we shall ultimately have to consider the adoption of a progressive tax. This has come as an emergency to provide for the old-age workers.

This is not only humanity and justice, but it is a necessary policy to safeguard the security of wealth, to assure the peace and order of society, to preserve our free competitive system of industry, and to hold our institutions and form of government safe from overthrow, revolt, and revolution. The owners of wealth and great fortunes should recognize the seriousness of the problem resulting from the inequitable

distribution of wealth and income and share their income with labor, and should willingly pay for the support as well as to provide for the aged and infirm. It is only by providing such means of support and by sharing such income that the owners can be secured in reasonable wealth, while maintaining peace and the security of society, and the existing order of civil life.

WAGNER-CONNERY LABOR-DISPUTES BILL

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Wagner-Connery bill.

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

There was no objection.

Mr. LESINSKI. Mr. Speaker, when section 7 (a) was written into the National Recovery Act for collective bargaining, the manufacturers immediately got busy to discredit all of the standard unions and independent unions and attempted to organize their own company unions, which, of course, would be dominated by themselves.

They had spent large sums of money and have placed in charge of organizing all such company unions in the hands of their own selected men, which of course is contrary to the law. The manufacturers were permitted to draw up their own codes and yet they were not satisfied with such arrangement but made a great effort to break down the morale by giving out misstatements to the press, and especially when the labor attempted to have an investigation made of the automotive industry. A report was drawn up known as the Henderson-Lubin report and which report I personally thought would be a whitewash for the manufacturers, but on the contrary, to my surprise the report was in favor of the employees for the whole automotive industry.

Immediately thereafter, the mouthpiece of the automotive industry, Mr. William S. Knudsen, of the General Motors Corporation, made a statement in behalf of all the automobile makers citing figures from the automotive record and attempted to disprove the Henderson-Lubin report which attacked the practices of the industry. He followed with a statement, stating "that the men who made the report had no previous experience in the industry and some who did the major work had never been in an automobile plant."

When testimony was being taken before the Labor Committee, to the effect that men over 40 years of age were being discarded as fast as possible, Mr. Knudsen stated that their company employed more than 90,000 men over 40 years of age and that their seniority rights were protected.

I happen to know personally, having lived in Detroit the greater part of my life, which is the center of the automotive industry, that men over 40 years of age are being discharged and younger men employed in their place for the reason that the younger man can get more work out and can keep up more easily with the established speed-up system. However, this same young man who has taken the place of the man 40 years of age, when he attains the age of 40, he is worn out, old, and positively no seniority rights are allowed him.

Recently when an election was held in the city of Detroit in the automotive industry, where the employees had the right to designate who would represent them, the employer saw to it that the men voted for company unions, dominated by the manufacturers, or the men did not vote at all, and when the election was over the manufacturers released to the press a statement that "the American Federation of Labor had no hold on the employees of the automotive industry." However, they did not state the true facts and that they had employed many new men in the industry and did not hire any men who either were members of an independent union or the American Federation of Labor. To prove that this practice was absolutely true, during the time of the election, when notices were posted in the plant of the Dodge Bros. at Detroit, that representatives were to be elected to represent the workers and that a mass meeting was to be held on the following Sunday, the notices were torn down and a bulletin substituted in its place, which reads as follows:

To all employees:

Attention is directed to the fact that it is a direct violation of the company's rules for employees to pass out hand bills, papers or cards of any sort for political or other purposes, or to make solicitations in the plants.

It is also against the rules of the company to post notices on bulletin boards without first securing the consent and approval of the management's special representative.

(Signed) DODGE BROTHERS CORPORATION,
Division of Chrysler Corporation.

The records will show which disprove the statement made by Mr. Knudsen, that in 1904, 1,291 man-hours were required to build an automobile. That in 1919, 313 man-hours were required; in 1929, 92 man-hours were required to build an automobile. But the most striking feature of the automobile industry is, that when it worked under the N. R. A. they cut the hours to 40 hours to build an automobile; in other words, they speeded up the machinery to such an extent that they actually made slaves out of the workers, and naturally a man was unable to stand the strain and was discharged immediately and replaced with a younger man.

The reason I am citing the automobile industry is that I am well acquainted with the situation; however, this applies to all industry that employs man power. This same procedure has been carried out in the oil industry; while working under the code, which called for 40 hours per week, they paid men for 40 hours but made them work as high as 72 hours and forced the employees to sign weekly slips to the effect that they only worked 40 hours.

Since the decision of the Supreme Court, which I personally think has been only arbitrary, all of the good which had been accomplished for the actual worker and employee under section 7 (a) has not only been wrecked by the decision, but the chain stores immediately cut wages of their employees and extended the hours. In chain drug stores, where the minimum wage was $25 per week, men were immediately cut to $15 per week and their hours lengthened and one or two employees were discharged.

This is the same in chain grocery stores, where a minimum wage of $15 per week was paid. In each individual case where a store belonged to a chain store then hours were extended and the wages cut as low as $8 per week and several clerks were released on account of extension of hours for the employees that were retained in that particular store.

To strengthen the hands of the administration, the Wagner-Connery bill, when it becomes a law, will force the manufacturers and employers to abide by the law for the benefit of all employees. Time has come that the large interests and special privileged interests must be disseminated and the control of the country placed in the hands of the people, and small business must again be revived; however, all of this can only be accomplished by legislation and the passage of the Wagner-Connery bill, which, I believe, is the first step toward giving the employee the right he has fought for for the past hundred years.

There is no doubt that the greedy manufacturers will attempt at all times to break down the morale of this law, but the teeth they have put into this bill will force them to keep their hands off the employee and let him belong to any organization he wants to and will not allow the employer to coerce the employee into voting to keep their own racket going, as the bill has been written in such a way that the majority of the employees will have the right to belong to such labor organizations as they see best, and the minority groups will have to abide by the decision of the majority.

THE IMPORTATION OF NATIONAL DEFENSE IN THE AIR

Mr. McFARLANE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a speech of Gen. William Mitchell on a unified air force.

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

Mr. LUNDEEN. Mr. Speaker, reserving the right to object, may I say that I have recently been in conference with

General Mitchell, and I have the greatest respect for his ability. I hope to see his speech printed in full in the RECORD.

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

There was no objection.

Mr. McFARLANE. Mr. Speaker, under permission to extend my remarks, I include á copy of the address of Gen. William Mitchell before the Massachusetts Camp of the Fifth Division, May 25, 1935, Boston, Mass, as follows:

Mr. President and Massachusetts Camp of the Society of the Fifth Division: When people who have not participated in war begin to talk about anything being a greater trial of men's souls than war, they just don't know what they are talking about. It is only from veterans such as you that a nation can draw any conclusions as to what the elements of our national defense must contain in order to have a successful nation. Without an adequate national defense, we can have no state. The fully armed man is the only one who can hold his head high and look his peers eye to eye. So it is with a nation.

There is no difference in the aims and national policies of the great countries of Europe from what they have been in the past. Russia is striving more than ever for empire and for an ice-free port in the Mediterranean, through the Dardanelles, and on the Pacific, combined with the consolidation of her dominions east of the Pripet swamps. The English are trying to hold their line of military depots around the earth, into which the raw materals of the nations may be gathered, shipped to England in British ships, manufactured, and then distributed to the world through their far-flung fortified marine bases. It is the old Phoenician system revamped. The French, the true descendants of the Roman Empire, whose population is rapidly decreasing, wish to hold their marvelous country and as a reserve to draw on their African empire for maintenance, both in men and materials. They arm to the teeth and want to be let alone. The Germans, a virile people, intelligent, strong, brave, and ambitious, wish to possess themselves of the rich lands, resources, ports, and commerce of the nations that surround them. They believe that their culture, their genius and enterprise is superior to anybody's. Italy, inhabiting a country devoid of major resources, with unfertile soil except in places, and with an overpopulation, is attempting strenuously under an able chief to maintain its position among the great nations.

As far as we are concerned, in the United States, the European problems, while being extremely interesting to us, should not be allowed to lead us to any act of participation, as far as we can avoid it. The policy enunciated by the Father of our Country, General Washington, to abstain from any entangling alliances, is as sound today as it ever was.

It is not with Europe that our greatest future concern lies. It is with the Far East. We may consider that white civilization passed through several periods. There was the Mediterranean period, from which the Romans emerged victorious, followed by the Atlantic period, which the last war probably ended. The United States emerged from it as the most powerful country. Now, we are entering on a Pacific period. Straight across on the other side of this great ocean is the empire of Japan, reaching out for world dominion. Any idea that the Japanese are not doing so is absolutely without foundation. They are not only organizing to dominate the whole of Asia, but to extend this domination to the whole world. The only thing that will deter them is armed force. Whenever the Japanese see a decadent military power near them, they pounce on it if they have anything to gain. The Japanese consider us a decadent military power. They consider that on account of the riches we possess, the easy existence we have led and the false theories that have grown up among us as to national defense, that in a little while we will be as easy to attack as a large jellyfish. But our people say, "How can they get at us? All this Japanese scare is foolishness. They can't do anything. They are 7,000 miles away." This was so in the old days of sea power, which have now passed. These are the days of air power. The air is now the decisive element.

As I flew over the army lines in Europe and looked at them, I thought to myself as I saw the men being hurled time after time into that charnel house how very ineffective the ground system of war is. The object of war has been in the past to defeat the hostile main army so as to get at the centers of population and resources of the opposing state and to destroy their will to fight. But armies cannot do this against modern weapons, and in attempting it they wreck themselves almost as much as their enemy. At the time of the armistice nobody knew who had won the European war. There was not a hostile foot on German soil. Their country and territory was intact, and the Allies did not dare carry the war into Germany.

Our conclusion from observing all these things was that the decisive element in war is the direct attack of the population and resources of a hostile state. This can be done only through the air. Armies can be stopped by other armies. Navies, acting in an indecisive theater, the water, can be easily destroyed by air power. Of course, we must have armies in order to hold the ground. We must have submarines and a properly organized navy; but the decisive element of the future unquestionably is the air bomber which goes straight to the opposing vital center and makes it untenable for the people. It takes very little effort to do this. We hear all this silly talk from Army and Navy officers of the enormous number of tons of projectiles needed to destroy a city. That has nothing to do with it. What the air force will do is to so intimidate the population that they will leave their cities. I have seen cities and towns evacuated as the result of raids of only two or three bombers and stay evacuated during the rest of the war. Cities such as New York or Boston would be evacuated instantly in case a few tons of explosives, incendiary bombs, and gas were dropped on them. The effect of gas on cities is unbelievable. Water systems, power centers, and means of communication can be neutralized in a similar manner, particularly by heavy concentrations of gas. This is no idle thought; it can be easily demonstrated by actual test.

Since the war the great nations have organized not only into armies and navies but they have air forces entirely separate and distinct. This air force is not designed to protect either the army or navy, but to protect the country by attacking the hostile nation in its heart. Each great nation in the world except the United States now has on hand aircraft that can go to the vital centers of their most dangerous enemy. Japan has planes in existence that can go to Alaska, and that probably have a sufficient radius of action to go from Alaska to New York and back. These things cannot be proved definitely, because we cannot see their ships; but with engines that are in existence today we can make airplanes that can go from 6,000 to 8,000 miles, carrying from 2 to 4 tons of explosives, and we can get a ceiling around 35,000 feet. We know it is perfectly impossible to stop an air attack.

The development now is not to have a few small aircraft maneuvering around over a navy, such as our Naval Air Service, or a few short-distance airplanes, such as our Army has, maneuvering in infantry formations over them, but a force of long-distance aerial cruisers that go not only hundreds but thousands of miles. The amount of money, number of men, and quantity of resources necessary for an organization of this kind is trivial compared to the enormous expenditures and effort we have to put into a navy. And when you have built up a navy, what is it going to do? It is only chained to its bases and can only act in the water, and can be easily destroyed.

I believe that the future security of this country depends primarily on an efficient air force. I have come to this conclusion, not by hasty opinions formed on the spur of the moment, but after years of study, experience, and trial, both in war and peace. One would think that in a country such as ours, with its vaunted initiative, progressive ability, and pioneering spirit, that long ago we would have had the best air force in the world, but, unfortunately, we have the worst. During the European war the construction of our aircraft fell into the hands of profiteers. No attention was paid to the recommendations of those of us on the front as to what was necessary. Over $1,500,000,000 was spent and no aircraft suitable for war were sent to us on the front. For about 5 years after the war these profiteers were run to cover and during that time we led the world. We held every record. We flew all over this country, Alaska, and around the world. We demonstrated the power of the air against navies, armies, and civil establishments. We installed the air mail. Remember, this was developed by the Government. We laid out plans for air lines all over the world. We laid out an experimental program which, if followed, would have made us the unquestioned leaders of the world today. But we gained so rapidly that the jealousy and pig-headedness of the older services were aroused and brought into play to stop our development. The profiteers again saw a chance to get control of the appropriations for aviation. The Army did not want aviation because it disturbed the old system. The Navy did not want it because it would destroy all their ships. Neither of them wanted a new thing like the Air Force, as it would be the most popular branch in the country, so they set out to limit it and destroy it as far as possible, and, if they couldn't do that, to control it.

Every time any matter came up which required development and progress and conflicted with the old system, they had boards. Each one was longer, narrower, and woodener than its predecessor. To one who knows, the reading of these reports is nauseating. They form a disgraceful chapter in the development of our military history. This includes the two most recent boards appointed, the Baker and Howell Boards. Neither has recommended anything constructive. None of them had members who really represented air thought. All of them were controlled more or less by the profiteers and the older services, and the result has been that in a world-competitive market for air power we have attempted to suppress competition, while the others have met it and forged ahead.

Two companies monopolize the furnishing of service-aircraft engines to our Army and Navy. These engines are of similar type and are only of 750 to 800 horsepower. Other nations have gas engines up to 3,000 horsepower and Diesels of about half that power. They have personnel instructed in air duties instead of being trained first as ground officers or sea officers, which ruins them. They have well-thought-out air policies which look years ahead and develop methods, personnel, and equipment to meet future needs. We have joint boards of the Army and Navy which are merely debating societies of old gentlemen who either have never been in an airplane or have been flown around by some young pilot and then have had some wings pasted on them, and call themselves observers, who have never seen anything of war in the air.

During the last year we have had the terrible fiasco of the air mail as handled by the Army. This was because the Army has tried to keep its aviation immediately over the infantry where they could see them and prescribe what they should do, what equipment they should have, and how they should handle it.

The airmen were told by their ground superiors, "You can fly around a little in good weather where we can see you, where you will do no harm, and not get out of hand." The gasoline and flying time was cut down below the danger point. Their aircraft are merely little training planes, and even their art of flying was greatly impaired. Our war-time aviators, even with the old equipment, could have gone through with it.

Flying along the airways is simple compared to what we will have to do in future wars. There are aids to navigation everywhere, lights every few miles, radio direction indicators and beams, enormous landing fields, and things of that sort. If a military airman cannot fly under these conditions, what is he going to do when he has to find his way from here to Europe or Asia and back again without any such help? As a matter of fact, navigation, as it is now called, is the most accurate means of finding ones way from place to place that exists today. On the surface of the earth, either on land or sea, the visibility is limited because the atmosphere is loaded with moisture, which causes snow, fog, rain, and storms. With the modern airplane we can rise up into the stratosphere, where absolute clarity of vision is always present, where conditions never change, where we can always get sights on celestial bodies. With sights on two celestial bodies or a couple on the sun 2 hours apart we can locate ourselves with absolute precision, that is, with enough accuracy to bomb a city without seeing it. If we wish to send an aircraft from here to Herat, Afghanistan, all we have to tell the pilot is the latitude and longitude of the place, and he can go straight there and return. This of course does not mean that in war every ship we send out is going exactly there and coming back, but 80 to 90 percent of them will, if they have adequately trained crews and the equipment we can make nowadays.

If there ever was an inexcusable falling down on the part of the Army it was in handling the air mail last year. They had the usual whitewash board on the subject, known as the Baker Board, which distributed false information to the American people and recommended no changes except some for the worse. The so-called "General Headquarters Air Force" puts the Air Service under the Army more than ever. It was tried out by everybody in 1916 and 1917 and abandoned.

Within the same period, we have lost two splendid airships in this country, the *Akron* and the *Macon*, due to gross stupidity and lack of knowledge of air matters. The *Akron* was taken out in the face of a terrific storm, flown straight into the middle of it and destroyed. This ship had had four or five commanders during the 6 months preceding. An airship is one of the most difficult means of transportation to handle that has ever been devised. It requires a personnel of long and consistent training. With such a personnel, it is the greatest means of transportation ever created. Airships can be built now that can go clear around the world at the latitude of the equator on one charge of fuel. They are extremely competent instruments of war. I can recount to you many actual experiences in war as to their value and about their prospective value in the future.

The *Macon* was then taken out to sea in the Pacific with its structure badly injured and flown on through heavy winds so as to keep it over the boats on the water and, of course, it went to pieces. This was gross stupidity. Airships have to be navigated according to the weather. They have to be kept out of dangerous places. Nobody would think of navigating our old sailing ships into the middle of a hurricane, or even pushing our modern ocean liners full speed ahead into a tropical storm.

What is needed is a permanent personnel to handle our ships. Look at the way the Germans handle theirs. I have visited the Germans frequently in times past, and keep track of them. They don't lose their ships. The reason they don't is because of their knowledge of their possibilities and their limitations.

Here the aircraft profiteers attempt to minimize the value of airships so as to shift appropriations of airplanes and then into their own pockets. What has been done about improving our airship situation? Absolutely nothing. Just a lot of talk about whether they are good for anything or not, on the part of Army and Navy officials, principally the Navy, who don't want airships anyway. All they use them for is as adjuncts to a surface fleet. One airship properly equipped and handled could probably destroy a whole surface fleet, with the airplanes it can carry and release, and with its means of concealment, speed, and radius of action. The airship question has been referred to another board, and, as usual, little or nothing will be done. We are able to build perfectly good airships, equip them, man them and handle them if given a chance, but so far we have killed practically all our airship personnel and have got to train a new force. It has been proved that it cannot be done by the Army or Navy. A good thing for us to do would be to go in with the Germans on a round-the-world air service until our men are sufficiently instructed, then branch out for ourselves. We need commercial airship lines across the Pacific, and a development of military airships. Airships are cheap as compared with sea ships and we should not abandon them.

Within the last year we have had one airplane crash after another on our commercial air lines. These have nearly all been caused by fog, ice, storms, or something of that sort. The recent death of Senator Cutting, where the airplane flew right into the ground, is a good example. There is no reason for these things. Development of our equipment has been hindered by the profiteers because they wish to get the greatest production with the minimum change, consequently any innovation is looked on with disapproval.

Aircraft can now be made, and have been capable of being made for years, which will be as safe as any other means of travel. They should be equipped with engines using noninflammable fuel, such as hydrogenated gas or heavy oil. They should contain the automatic pilot, a gyroscopic instrument which maintains an airplane in level flight no matter what the conditions of weather or visibility may be. They should have means of landing in fogs which have been entirely perfected and by which an airplane can come into an airport and land without anything being visible to the pilot. Thousands of landings have been made under such conditions. They should have resonance altimeters which indicate how far the ground is under them, instead of the ordinary aneroid instrument which tells approximately how much air is over them. They should have landing sticks that project below the ship 30 or 40 feet, so that if the pilot cannot see the ground as it is approached, the stick on touching the earth will set the controls back, cut off the throttle, and land the ship. But above all they should have cabin parachutes, which take the whole cabin out, passengers and all, landing them as safely as the individual parachute does.

The handling of our aeronautics is a sorry page in the history of our national defense. In my opinion it is worse than the Teapot Dome scandals or any of those concerning war contracts of the Civil War. We spent a billion and a half dollars during the war and never sent a suitable airplane to Europe. We have spent an equal sum since and now have no suitable planes, systems, or organization for defending ourselves against a first-class power. The only way we can rectify this condition is by pressure of intelligent public opinion.

The profiteers control to a great extent the kind of information about aircraft given out through the press. Their propaganda extends to the radio stations, and to the stockholders who have been induced to buy stock in these Government-supported factories throughout the country. With an uninstructed and uncritical public they get away with it. Anyone who opposes them is immediately attacked. Evidence before congressional committees shows that there are about 37 financial manipulators who control our aeronautics.

It means utter defeat for us in a future contest unless it is stopped. What we must do with our aeronautics is to create a single department of aviation entirely separate from everything else, with an air force to do the fighting and a commercial aviation which we should push to the ends of the earth. It is not sea power that the nations are now developing. It is not land power. It is air power. There is as great international competition now for gaining world air lines as there was for gaining sea lines in the middle of the last century. We should get these before it is too late. That we have any divine inspired right to anything of this kind is a silly idea. If we do not look out, the other people will have them before we wake up. Merely resting on our valor of ignorance will get us nowhere.

You veterans know what international contests mean, especially against a highly trained and technically proficient people such as the Europeans and certain Asiatics. Excellence has to be attained by actual deeds, not by boodling and camouflage. What we should have, of course, is a single department of national defense, with subdivisions for air, land, and water, all of them working together and for the United States, instead of some special interest such as the Army, Navy, or aircraft manufacturers.

There is considerable hope in the Congress, but I see very little in the executive departments. They are about as moss-backed as any outfit we have ever had. Don't infer from my remarks that I am not a great believer in our country. I know that we have the greatest country in the world, and that our people are superior to any. I am a Democrat, and believe in Democratic principles, but the bureaucracy which is being foisted upon us more and more, which is exemplified in our national defense as much as anything else, the living way beyond our income, the attempt to pull ourselves up by our own bootstraps—all this is an extremely serious condition of affairs. We must face things as they are and organize accordingly.

You of the Fifth Division who attacked across the Meuse River may remember that before your offensive considerable air activity occurred in your part of the sector. I sent one single formation of 322 planes, loaded with 39 tons of bombs, to attack ammunition dumps and troop concentrations in the vicinity of Longuyon. Of the American and Allied ships under my command there were 1,496 at the battle of St. Mihiel and about 1,200 in the Argonne.

When you crossed the Meuse, the fighting on the front of our army in the Argonne had separated almost into three distinct sections; yours on the right, one on the center out from Montfaucon, and another on the left around Apremont and the Argonne Forest. I was always fearful of German counter-attacks between these almost detached forces, consequently kept a vigilant eye away behind their lines with my airplanes, attacking both their air and ground formations whenever practicable. This resulted in terrific air battles in which our men greatly distinguished themselves. We shot down 456 enemy airplanes and 62 balloons. Our losses were 199 airplanes and 22 balloons. The excellence to which our American air service, using French equipment, had come is not generally known but at the time of the armistice we were unquestionably the best organized and instructed air service on the Western front.

The Great War is a thing of the past. Other wars will come and our Republic will undoubtedly have to bear the brunt of the battle for the upholding of our European culture and conditions,

both economic and military, against the military, economic, and political systems of the Asiatics. If we wish to exist as a nation we must prepare to meet them. The world is now only one-sixth as large as it was when we went into the Spanish War, one-third as large as it was in the World War, due to the speed of aircraft.

A nation, ambitious, strong and virile, with air power, radio telegraphy, highly organized industry, and chemical development, can today aspire with hope of success to world dominion. Only by maintaining adequate national defense can we Americans hold our heads up in the family of nations and insure peace and prosperity for our people in the future.

JUDGE WILLIAM F. CONNOLLY

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

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

There was no objection.

Mr. SADOWSKI. Mr. Speaker, any effort that could possibly be made by me to pay tribute to the memory of the late Judge William F. Connolly, who passed away at Detroit, in the State of Michigan, on May 23, could not be commensurate with the services which he performed for his fellow man, for the party of his political faith, or for the community in which he was born and where he spent virtually all of his life. Words are inadequate to pay the tribute which his ever useful life deserved.

For a great many years Judge Connolly served as Democratic national committeeman from Michigan, and his services during the war years of 1917 and 1918 were of tremendous value. His great legal mind was of tremendous service to the late President Wilson, who called him to Washington in the early days of the world conflict; and he was frequently called into conference for the purpose of lending his vast knowledge to the solution of problems which the war developed.

Few men developed minds of the character which won for Judge Connolly wide renown in Michigan and in other States of the Union. He was born of Irish parents in that section of Detroit which is affectionately remembered as "Old Corktown." His was a humble beginning, and his attainments were solely the result of his indefatigability. Throughout his school days he struggled for an education; and when it is realized that at the tender age of 16 he was teaching Latin and Greek at the University of Detroit, it is possible to grasp in some small way the enormity of his mental attainments.

Long before he reached the voting age, Judge Connolly was a dominant factor in the councils of the Democratic Party of his State. He was a born organizer, and one of liberal leanings. It was but natural that the party of Jefferson should have attracted him, as he learned his first lessons in politics in a district that is overwhelmingly Republican. The success of the Democratic organization in Michigan a quarter of a century ago, and again in 1932, was largely due to his ability to win friends to the cause he chose to support.

In the legal field, Judge Connolly will long be remembered. He graduated from the University of Detroit with an A. B. degree before he was old enough to enter practice, and was, a few years later, to become the youngest man ever elected to the bench in his State. Decisions rendered by this able jurist have long been recognized for their clear interpretations of the law. His fairness was at all times apparent to those who appeared before him, and his consideration for the underprivileged and the unfortunate is legendary in his home State.

Loyalty was another attribute in this great leader—loyalty to friends and to political associates. There was nothing of the smallness of petty politics in the character of William F. Connolly. He stood for principles throughout his long career, and there was no sacrifice which he was unwilling to make to maintain those principles. Well schooled in the philosophy of Thomas Jefferson, the founder of our party, Judge Connolly upon every occasion, whether it be a national convention or a district caucus, fought to keep the Democratic Party faithful to the teachings of its illustrious founder.

The charity of Judge Connolly, in early life and later when he reached the position of affluence and wealth, will long be remembered. In his quiet way he went about doing good, extending the helping hand to those in need, and always ready with a word of encouragement to the depressed. In his church he was a leader, and his contributions to the upbuilding of the diocese of Detroit to its position as one of the greatest dioceses of the country, stand as a monument to unselfish service.

These few remarks of mine do not begin to tell the story of a life devoted to assisting others. It is but a humble effort to express appreciation of the services performed by a truly great man. It is my prayer that they be spread in the pages of the CONGRESSIONAL RECORD, and that copies may be forwarded to the bereaved family of Judge William F. Connolly.

EXTENSION OF REMARKS

Mr. CONNERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their own remarks on the Wagner-Connery bill.

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

There was no objection.

DEFICIENCY APPROPRIATION BILL

Mr. CLARK of North Carolina, from the Committee on Rules, submitted the following privileged resolution for printing in the RECORD under the rule:

House Resolution 266

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 8554, a bill making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1935, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1935, and June 30, 1936, and for other purposes, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and shall continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion, except one motion to recommit, with or without instructions.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that the Committee on Immigration and Naturalization may sit tomorrow during sessions of the House.

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

There was no objection.

ORDER OF BUSINESS

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

Mr. SNELL. Mr. Speaker, reserving the right to object, I am just as anxious to have the Congress come to an early adjournment as anyone, but, on the other hand, unless you have some real important business and a constructive program for the balance of the week, I do not see the reason for all this haste just at present. If the gentleman will explain to us what he proposes to consider for the balance of the week I shall be pleased to listen.

Mr. TAYLOR of Colorado. We intend to take up a large deficiency bill tomorrow.

Mr. SNELL. With a special rule providing for 2 hours of debate, you can finish that in 4 hours.

Mr. TAYLOR of Colorado. I do not believe we can, but, anyhow, if we can, so much the better. I hope we may adjourn over Saturday.

Mr. SNELL. If we can get a definite agreement that we will adjourn over Saturday I shall not object to meeting at 11 o'clock tomorrow.

Mr. TAYLOR of Colorado. I do not know what the committees may bring in, I am sure, and I really have no right to hypothecate the rights of the committees, but I am hopeful we many adjourn over Saturday.

Mr. SNELL. What is on the program for Friday?

Mr. O'CONNOR. Unless some major legislation comes in which is not now in sight, we have a number of rules which can be taken up on Friday and also some conference reports.

Mr. SNELL. Meeting at 11 interferes with important committee meetings.

Mr. O'CONNOR. I think we can dispose of the deficiency bill tomorrow, even if we meet at 12 o'clock.

Mr. SNELL. The Chairman of the Rules Committee agrees with me, so I must be right.

I object, Mr. Speaker.

LEAVE OF ABSENCE

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

To Mr. MITCHELL of Illinois, for 3 days, on account of important business.

To Mr. STEAGALL (at the request of Mr. HILL of Alabama), on account of death in family.

To Mr. OLIVER (at the request of Mr. HILL of Alabama), 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 of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 59. An act to create a national memorial military park at and in the vicinity of Kennesaw Mountain in the the State of Georgia, and for other purposes; and

H. R. 2739. An act to extend further time for naturalization to alien veterans of the World War under the act approved May 25, 1932 (47 Stat. 165), to extend the same privileges to certain veterans of countries allied with the United States during the World War, and for other purposes.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1180. An act to amend section 4865 of the Revised Statutes, as amended.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 7 o'clock and 13 minutes p. m.) the House adjourned until tomorrow, Thursday, June 20, 1935, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. BUCHANAN: Committee on Appropriations. H. R. 8554. A bill making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1935, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1935, and June 30, 1936, and for other purposes; without amendment (Rept. No. 1261). Referred to the Committee of the Whole House on the state of the Union.

Mr. MILLER: Committee on the Judiciary. H. R. 8519. A bill requiring contracts for the construction, alteration, and repair of any public building or public work of the United States to be accompanied by a performance bond protecting the United States and by an additional bond for the protection of persons furnishing material and labor for the construction, alteration, or repair of said public buildings or public work; without amendment (Rept. No. 1263). Referred to the Committee of the Whole House on the state of the Union.

Mr. CROWE: Committee on the Territories. H. R. 8247. A bill to empower the Legislature of the Territory of Hawaii to authorize the issuance of revenue bonds, to authorize the city and county of Honolulu to issue flood-control bonds, and for other purposes; without amendment (Rept. No. 1265). Referred to the House Calendar.

Mr. BURDICK: Committee on the Territories. H. R. 7974. A bill to withdraw and restore to their previous status under the control of the Territory of Hawaii certain Hawaiian homes lands now in use as an airplane landing field; without amendment (Rept. No. 1266). Referred to the Committee of the Whole House on the state of the Union.

Mr. NICHOLS: Committee on the Territories. H. R. 8270. A bill to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes; without amendment (Rept. No. 1267). Referred to the Committee of the Whole House on the state of the Union.

Mr. KNUTE HILL: Committee on Indian Affairs. H. R. 7837. A bill to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes; with amendment (Rept. No. 1268). Referred to the Committee of the Whole House on the state of the Union.

Mr. CLARK of North Carolina: Committee on Rules. House Resolution 266. Resolution for the consideration of H. R. 8554; without amendment (Rept. No. 1269). Referred to the House Calendar.

Mr. ECKERT: Committee on the Territories. H. R. 8246. A bill to amend the Hawaiian Homes Commission Act of 1920; without amendment (Rept. No. 1270). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEMPSEY: Committee on the Territories. H. R. 8284. A bill to amend an act entitled "An act to provide a government for the Territory of Hawaii", approved April 30, 1900, as amended, and known as the "Hawaiian Organic Act", by amending section 73 thereof, relating to public lands; without amendment (Rept. No. 1271). 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. ANDREWS of New York: Committee on Military Affairs. H. R. 5475. A bill for the relief of Henry Irving Riley; without amendment (Rept. No. 1264). 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. BUCHANAN: A bill (H. R. 8554) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1935, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1935, and June 30, 1936, and for other purposes; to the Committee on Appropriations.

By Mr. BLAND: A bill (H. R. 8555) to develop a strong American merchant marine, to promote the commerce of the United States, to aid national defense, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DISNEY: A bill (H. R. 8556) to provide for the prevention of soil erosion, for flood control, irrigation, and for the purpose of furthering navigation, the promotion of agriculture, and for the national defense, and for the purpose of constructing hydroelectric plants in the areas drained by the Arkansas, White, and Red Rivers, for the purpose of marketing any surplus electric power so generated to States, counties, municipalities, corporations, and individuals and to provide for the reforestation of lands suitable therefor in the watersheds of said streams and for the purpose of protecting, preserving, promoting, and putting into use the natural resources along said streams and in the areas drained thereby and to provide for the economic and social well-being of people living in the watersheds of said streams, and for other purposes; to the Committee on Flood Control.

By Mr. BLOOM: A bill (H. R. 8557) to amend the act entitled "An act to amend and consolidate the acts respecting copyright", approved March 4, 1909, as amended, and for other purposes; to the Committee on Patents.

By Mr. HEALEY: A bill (H. R. 8558) prescribing a condition precedent to the awarding of certain Federal contracts; to the Committee on the Judiciary.

By Mr. KOPPLEMANN: A bill (H. R. 8559) to convey certain land to the city of Enfield, Conn.; to the Committee on Public Buildings and Grounds.

By Mr. McSWAIN: A bill (H. R. 8560) to authorize the Secretary of the Treasury to prepare a medal with appropriate emblems and inscriptions commemorative of Jefferson Davis; to the Committee on Coinage, Weights, and Measures.

Also, a bill (H. R. 8561) to authorize the Secretary of the Treasury to prepare a medal with appropriate emblems and inscriptions commemorative of Gen. Robert Edward Lee; to the Committee on Coinage, Weights, and Measures.

By Mr. MEAD: A bill (H. R. 8562) to amend the Tariff Act of 1930, as amended; to the Committee on Ways and Means.

By Mr. SNELL: A bill (H. R. 8563) granting the consent of Congress to the States of New York and Vermont to construct, maintain, and operate a bridge across Lake Champlain between Rouses Point, N. Y., and Alburg, Vt.; to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS: A bill (H. R. 8564) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

Also, a bill (H. R. 8565) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

Also, a bill (H. R. 8566) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

By Mrs. NORTON (by request): A bill (H. R. 8577) to amend the Teachers' Salary Act of the District of Columbia, approved June 4, 1924, as amended, in relation to raising the trade or vocational schools to the level of junior high schools, and for other purposes; to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 8578) to amend the Teachers' Salary Act of the District of Columbia, approved June 4, 1924, as amended, in relation to establishing the Wilson and Miner Teachers' Colleges on a basis comparable with recognized standards for accredited institutions of like kind, and for other purposes; to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 8579) to amend the law with respect to jury trials in the police court of the District of Columbia; to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 8580) to amend the law with respect to the time for jury service in the police court of the District of Columbia; to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 8581) to amend the law providing for exemptions from jury service in the District of Columbia; to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 8582) to provide for the semiannual inspection of all motor vehicles in the District of Columbia; to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 8583) to amend the Code of Law for the District of Columbia in relation to the qualifications of jurors; to the Committee on the District of Columbia.

By Mr. WOLCOTT: A bill (H. R. 8584) to amend an act entitled "Tariff Act of 1930", approved June 17, 1930; to the Committee on Ways and Means.

By Mr. SIROVICH: Resolution (H. Res. 265) authorizing an appropriation for special expenses of the Committee on Patents; to the Committee on Accounts.

By Mr. CULLEN: Resolution (H. Res. 267) providing for additional compensation to certain employees of the House of Representatives; to the Committee on Accounts.

By Mr. KENNEY: Joint resolution (H. J. Res. 331) to authorize the Secretary of Labor to appoint a board of inquiry to ascertain the facts relating to the labor practices of employers of labor in the shipbuilding industry; to the Committee on Labor.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BREWSTER: A bill (H. R. 8567) to authorize a preliminary examination and survey of Stonington Harbor, Maine; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 8568) to authorize a preliminary examination and survey of Bagaduce River, Maine; to the Committee on Rivers and Harbors.

By Mr. CITRON: A bill (H. R. 8569) to authorize the appointment of Harold I. June to the rank of lieutenant commander, United States Navy; to the Committee on Naval Affairs.

By Mr. DONDERO: A bill (H. R. 8570) authorizing an adjustment in the pay and rank of First Lt. Fred B. Hanchett, Jr., to captain as of November 2, 1921, in accordance with the act of 1890; to the Committee on Military Affairs.

By Mr. DRISCOLL: A bill (H. R. 8571) granting an increase of pension to Mary E. Fultz; to the Committee on Invalid Pensions.

By Mr. ELLENBOGEN: A bill (H. R. 8572) to correct the Army record of John Barbour; to the Committee on Military Affairs.

Also, a bill (H. R. 8573) for the relief of Julius Zanone; to the Committee on War Claims.

By Mr. LESINSKI: A bill (H. R. 8574) for the relief of James Aird; to the Committee on Claims.

By Mr. LUCKEY: A bill (H. R. 8575) granting a pension to Bert Milburn; to the Committee on Invalid Pensions.

By Mr. TONRY: A bill (H. R. 8576) for the relief of Sanford N. Schwartz; to the Committee on Claims.

PETITIONS, ETC.

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

8904. By Mr. CARTER: Assembly Joint Resolution No. 58 of the State of California, relative to memorializing Congress to pass a bill restoring pensions to Spanish-American War veterans; to the Committee on Pensions.

8905. Also, Assembly Joint Resolution No. 59 of the State of California, relative to memorializing the President and the Congress of the United States to enact House bill 6628, which provides remunerative employment for the blind citizens of the United States, and urging the Committee on Labor to expedite consideration favorable to the bill; to the Committee on Labor.

8906. Also, Assembly Joint Resolution No. 64 of the State of California, relative to memorializing the President and Congress of the United States to make amends to those disabled war veterans who have been deprived of their just and lawful compensation; to the Committee on Pensions.

8907. Also, petition of the Brotherhood of Railway and Steamship Clerks from the State of California, favoring restriction of the assumed powers of the United States Supreme Court to set aside laws duly enacted by the sovereign body and approved by the President, or that immediate steps be taken to amend the present Constitution of the United States to this end; to the Committee on the Judiciary.

8908. By Mr. FENERTY: Petition of the Weccacoe Tribe, No. 135, Improved Order of Red Men of Pennsylvania, located in the city of Philadelphia, endorsing House Joint Resolution No. 69, creating in the Department of Justice a Bureau of Alien Deportation; to the Committee on Immigration and Naturalization.

8909. Also, petition of the Massasoit Tribe, No. 144, Improved Order of Red Men of Pennsylvania, located in the city of Philadelphia, endorsing House Joint Resolution No. 69, creating in the Department of Justice a Bureau of Alien Deportation; to the Committee on Immigration and Naturalization.

8910. Also, petition of the Tetoseka Tribe, No. 321, Improved Order of Red Men of Pennsylvania, located in the city of Philadelphia, endorsing House Joint Resolution No. 69, creating in the Department of Justice a Bureau of Alien

Deportation; to the Committee on Immigration and Naturalization.

8911. Also, petition of the Ponca Tribe, No. 241, Improved Order of Red Men of Pennsylvania, located in the city of Philadelphia, endorsing House Joint Resolution No. 69, creating in the Department of Justice a Bureau of Alien Deportation; to the Committee on Immigration and Naturalization.

8912. By Mr. HEALEY: Resolution of the Board of Aldermen of the City Council of Everett, Mass., protesting against the action of the administration at Washington for the proposed 40-hour schedule on a $12-a-week basis, as living conditions in the metropolitan district are such as to make it prohibitive to support a family or even to provide a mere subsistence on $12 per week, and urging our United States Senators and our Congressman to use their best efforts to bring about a condition whereby the minimum wage for laborers may be placed at 50 cents per hour; to the Committee on Labor.

8913. Also, resolution of the New England Livestock Sanitary Officials, soliciting the United States Government to continue its present plan and to make additional appropriation to further the control work in connection with Bang abortion disease after January 1, 1936; to the Committee on Agriculture.

8914. By Mr. KRAMER: Resolution of the Merchant Plumbers' Association, Inc., of Los Angeles, adopted in regular session on June 10, 1935, relative to the extension of the National Recovery Act; to the Committee on Ways and Means.

8915. Also, resolution of the Assembly of the California Legislature, adopted on June 10, 1935, relative to House bill 1793, which has been passed by the Senate, and urging the House to pass same; to the Committee on Indian Affairs.

8916. Also, resolution of the Board of Supervisors of San Francisco, Calif., relative to House bill 6984 and endorsing same; to the Committee on Pensions.

8917. By Mr. LESINSKI: Assembly Joint Resolution No. 59 of the State of California, memorializing the President and the Congress of the United States to enact House bill 6628, providing remunerative employment for blind citizens; to the Committee on Labor:

8918. Also, resolution adopted by the Michigan State Association of Letter Carriers, urging the enactment of House bill 8002, introduced by the Honorable JOHN P. HIGGINS, providing for the relief of village letter carriers; to the Committee on the Post Office and Post Roads.

8919. By Mr. LUNDEEN: Petition of Clarkfield Boosters Club, Clarkfield, Minn., urging the enactment of the Agricultural Adjustment Administration amendments; to the Committee on Agriculture.

8920. Also, petition of the Minnesota Farm Bureau Federation, urging the enactment of the proposed Agricultural Adjustment Administration amendments; to the Committee on Agriculture.

8921. By Mr. PFEIFER: Petition of the American Federation of Labor, Washington, D. C., concerning the Wagner labor-disputes bill; to the Committee on Labor.

8922. By the SPEAKER: Petition of the National Conference of State Liquor Administrators; to the Committee on Ways and Means.

SENATE

THURSDAY, JUNE 20, 1935

(Legislative day of Monday, May 13, 1935)

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

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, June 19, 1935, was dispensed with, and the Journal was approved.

SENATOR CARTER GLASS, OF VIRGINIA

Mr. TOWNSEND. Mr. President, I wish to take this opportunity of expressing the satisfaction I have felt in the recognition this year by leading American universities of the character and service of my dear friend and colleague the senior Senator from Virginia [Mr. GLASS].

Honorary degrees have been conferred on Senator GLASS by the College of William and Mary, the National Institute of Social Science, Princeton University, Tufts College, Wesleyan University, and Yale University.

The citation that was made yesterday at Yale was so deserved that I wish to incorporate it in the RECORD at this point. Professor Nettleton, as orator, said:

Recognized officially as the senior Senator from Virginia, recognized throughout the Nation as a dauntless leader of the independent force of intelligent public opinion; a representative of the people, "who never sold the truth to serve the hour", or the party, or the populace. Representative at Washington in nine successive Congresses, Secretary of the Treasury under President Wilson, Senator of the United States, thrice confirmed by popular vote and public demand, he recalls the Roman courage and constancy, and the integrity of the ancient phrase, "Senatus, populusque Romanus." This year the National Institute of Social Science conferred upon him its gold medal "in recognition of distinguished services rendered to humanity as one of the leaders in the planning and creation of the Federal Reserve Banking System * * * and as one who has through a long life consistently and unsparingly devoted his abilities and energies to public service."

'Tis, finally, the man, who, lifted high,
Conspicuous object in a nation's eye—
Who, with a toward or untoward lot,
Prosperous or adverse, to his wish or not—
Plays, in the many games of life, that one
Where what he most doth value must be won,
Whom neither shape of danger can dismay,
Nor thought of tender happiness betray;
Who, not content that former worth stand fast,
Looks forward, persevering to the last,
From well to better, daily self-surpast
Vir amplissimus.

President Angell, in conferring the degree, said:

Statesman and patriot, instant in the defense of your country's welfare and honor, implacable foe of sham, dishonesty, and cowardice in public life, able and fearless leader whose sage counsel has for more than a quarter of a century contributed wisdom to our national policies. Yale University, in grateful recognition of your eminent service to the Nation, confers upon you the degree of doctor of laws and admits you to all its right and privileges.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed the bill (S. 1958) to diminish the causes of labor disputes burdening or obstructing interstate and foreign commerce, to create a National Labor Relations Board, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 1180) to amend section 4865 of the Revised Statutes, as amended, and it was signed by the Vice President.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate petitions of sundry citizens of the United States praying for an investigation of charges filed by the Women's Committee of Louisiana relative to the qualifications of the Senators from Louisiana (Mr. LONG and Mr. OVERTON), which were referred to the Committee on Privileges and Elections.

Mr. TYDINGS presented resolutions adopted by the annual meeting of the Archdiocesan Union of the Holy Name Society, Baltimore, Md., protesting against the alleged use of the franking privilege by Mexican officials in sending through the United States mails matter in the nature of propaganda denying that religious persecution exists in the Republic of Mexico, which were referred to the Committee on Foreign Relations.

He also presented a letter in the nature of a petition signed by officers and the executive board of Baltimore & Ohio Local Federation, No. 7, American Federation of Labor, Cumberland, Md., praying for the enactment of Senate bill 2862, providing a retirement system for aged railway employees, which was ordered to lie on the table.

Mr. WALSH presented a letter in the nature of a petition from the Franklin County (Mass.) Poultry Association,