to expedite consideration favorable to said bill; to the Committee on Labor.

8939. By Mr. PFEIFER: Petition of Branch Y, Local 4, National Federation Federal Employees, Stapleton, Staten Island, N. Y., favoring House bills 8458 and 8459; to the Committee on the Civil Service.

8940. By Mr. RUDD: Petition of Branch Y, Local 4, National Federation Federal Employees' St. George, Staten Island, N. Y., favoring the 30-day annual cumulative leave bill (H. R. 8458) and 15-day cumulative sick leave bill (H. R. 8459); to the Committee on the Civil Service.

8941. By the SPEAKER: Petition of the city and county of Honolulu, Hawaii; to the Committee on the Territories.

SENATE

FRIDAY, JUNE 21, 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 Thursday, June 20, 1935, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the joint resolution (H. J. Res. 147) authorizing the erection of a monument to Grover Cleveland in Washington, D. C.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7260) to provide for the general welfare by establishing a system of Federal old-age benefits, and by enabling the several States to make more adequate provision for aged persons, blind persons, dependent and crippled children, maternal and child welfare, public health, and the administration of their unemployment compensation laws; to establish a Social Security Board; to raise revenue; and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DOUGHTON, Mr. SAMUEL B. HILL, Mr. CULLEN, Mr. TREADWAY, and Mr. BACHARACH were appointed managers on the part of the House at the conference.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

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

S. 314. An act for the relief of Vito Valentino;

S. 1052. An act for the relief of The Washington Post Co.; and

H. J. Res. 147. Joint resolution authorizing the erection of a monument to Grover Cleveland in Washington, D. C.

SUPPLEMENTAL ESTIMATE, LIBRARY OF CONGRESS (S. DOC. NO. 74)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation (relative to books for the adult blind) for the legislative establishment, and pertaining to the Library of Congress, fiscal year 1936, in the sum of $75,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATE, NATIONAL CAPITAL PARK AND PLANNING COMMISSION (S. DOC. NO. 73)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the National Capital Park and Planning Commission, to be immediately available and to remain available until expended, amounting to $800,000, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATES, DEPARTMENT OF THE INTERIOR (S. DOC. NO. 72)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting two supplemental estimates of appropriations (pertaining to legislative expenses, Territory of Alaska, 1935, and the temporary government for the Virgin Islands, 1936) for the Department of the Interior, fiscal year 1935, $3,050, and for the fiscal year 1936, $40,000; in all, $43,500, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATE, PETROLEUM ADMINISTRATION (S. DOC. NO. 75)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental (revised) estimate of appropriation for the Department of the Interior, fiscal year 1936, in the amount of $600,000 (being a substitute for the estimate transmitted to Congress under date of May 15, 1935, and printed in H. Doc. No. 186, 74th Cong.), to carry out the provisions of law to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, etc., which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following concurrent resolutions of the Legislature of the State of New York, which were referred to the Committee on Commerce:

Whereas in 1921 the States of New York and New Jersey entered into a compact whereby they undertook the future planning and development of the port of New York and created the Port of New York Authority as their joint agent and trustee to provide adequate highway and railway communication within the port of New York district; and

Whereas in 1922, with the approval of Congress, the two States adopted a comprehensive plan for the development of the port of New York, with particular regard to railroad facilities and improvements; and

Whereas in 1931, by chapter 47, Laws of New York, 1931, and chapter 4, Laws of New Jersey, 1931, the two States declared and agreed that the vehicular traffic movement across the waters between the States of New York and New Jersey constituted a general movement of traffic, and further agreed that the construction, maintenance, operation, and control of all such bridges and tunnels heretofore and hereafter authorized by the two States should be unified under the Port Authority; and

Whereas the Port Authority is now operating the George Washington Bridge and the Holland Tunnel, constructed at an aggregate cost of approximately $95,000,000, and is engaged in the construction of the Midtown Hudson Tunnel at a cost of approximately $38,000,000, which said facility was included in the comprehensive program of public works pursuant to the National Industrial Recovery Act, and is now in the course of construction; and

Whereas in 1890 the North River Bridge Co. procured a corporate charter from Congress authorizing it to construct a railroad and vehicular bridge across the Hudson River between the State of New Jersey and the city of New York, and to build freight terminals in connection therewith; and

Whereas the said company originally planned to build such bridge in Hoboken, N. J., but has revised and altered its plans and now intends to build it in the vicinity of Fifty-seventh Street and to a corresponding point over the Hudson River in the State of New Jersey; and

Whereas although 45 years have elapsed, such bridge has not been constructed and the plans therefor are still on paper and the two States have since developed and are effectuating a railroad and vehicular program in the port district; and

Whereas there is not and will not for many years to come be sufficient vehicular traffic across the Hudson River in the mid-Manhattan area to justify the construction of both the Midtown Hudson Tunnel and the proposed Fifty-seventh Street bridge; and

Whereas the proposed bridge is in direct conflict with all elements of the carefully conceived plans of the two States for the solution of the railroad and vehicular-communication problems in the port of New York district, and tends to place these plans and the interests of the two States in jeopardy and is contrary to sound Federal and State policy: Now, therefore, be it

Resolved (if the senate concur), That the President and Congress of the United States are hereby memorialized and requested to repeal the charter of the North River Bridge Co., which was granted by act of Congress of the United States (ch. 669, 1889–90, 51st Cong., and Public Act No. 350, 67th Cong., 1922); and

That a copy of this resolution be transmitted by the Secretary of State to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Mem-

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ber of the Senate and House of Representatives of the United States from the State of New York.

Whereas the unimproved portion of the Champlain and Erie Canals, in its present condition, is objectionable to a large number of the residents of the city of Cohoes; and

Whereas such portion of the canal is no longer used for navigation purposes; and

Whereas it is desirable that such canal or waterway be changed to a subterranean stream or channel from a point known as "Waste Weir No. 1" of the old Champlain Canal to the northerly boundary of the city of Cohoes, thus preserving any useful features that might be feasible for water power or other purposes; and

Whereas such useful and necessary work would be of great benefit to the city of Cohoes and the State at large and would provide unemployment relief: Now, therefore, be it

Resolved (if the senate concur), That the Federal Public Works Administration be and respectfully is hereby memorialized to include in the contemplated public-works project the aforesaid improvement; and be it further

Resolved (if the senate concur), That such administration be and is hereby respectfully requested to allocate such funds to complete this project; and be it further

Resolved (if the senate concur), That copies of this resolution be transmitted to the Secretary of the Interior of the United States, to members of the Public Works Administration, and to each Member of Congress of the United States Senate elected from the State of New York.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the State of New York, which was referred to the Committee on Finance:

Whereas the Congress of the United States of America has imposed a tax upon all sales of gasoline; and

Whereas the State of New York and the other several States of the United States have already imposed taxes upon such sales; and

Whereas the Federal tax on such sales is untimely and prohibitive and, coupled with the respective State taxes on such sales, places a burden upon the users of gasoline beyond that which they should carry and beyond that which the traffic can legitimately bear; and

Whereas the taxation of sales of gasoline should properly be left to the exclusive use of the States as a means of providing funds for road construction and maintenance and unemployment relief projects: Now, therefore, be it

Resolved (if the senate concur), That the Congress of the United States be, and it is hereby, respectfully memorialized to enact with all convenient speed such legislation as may be necessary to abolish the Federal gasoline sales tax and to surrender to the States exclusively the power to tax such sales in the future; and be it further

Resolved (if the senate concur), That a copy of this resolution be transmitted to the Clerk of the House of Representatives, the Secretary of the United States Senate, and to each Member of Congress elected from the State of New York, and that the latter be urged to use their best offices to procure the enactment of such legislation as will accomplish the purposes of this resolution.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the State of New York, which was referred to the Committee on Immigration:

Whereas the rigid enforcement of our Federal immigration laws is, and has been in the past, the cause of separating persons lawfully residing in the United States from their wives and families by denying to such wives and families entrance into this country, and

Whereas such separation of families strikes at the very foundation of our social, economic, and political structure and tends to disrupt our ideals of home and family life and break down its influence upon our national existence, and

Whereas such a situation necessitates the separate maintenance of families outside the United States by such persons lawfully residing in this country, resulting in the annual exportation of large sums of money earned in the United States to foreign countries for such support and maintenance: Now be it

Resolved (if the senate concur), That the Congress of the United States be and it hereby is respectfully memorialized to enact with all convenient speed such legislation as may be necessary to humanize the immigration laws of the United States and to provide for the reuniting of such persons and their families; and be it further

Resolved (if the senate concur), That a copy of this resolution be transmitted to the Clerk of the House of Representatives of the United States, the Secretary of the United States Senate, and to each Member of Congress elected from the State of New York and that the latter be urged to use their best offices to procure the enactment of such legislation as will accomplish the purposes of this resolution.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the State of New York, which was referred to the Committee on Military Affairs:

Whereas George S. Ward, a former member of the Army Medical Corps, recently has been a needy case in a hospital within the State of New York; and

Whereas the physical disability from which the said George S. Ward has suffered is reported to have directly resulted from his voluntarily submitting to medical experiments under the direction of Army medical officers; and

Whereas the said George S. Ward has been publicly credited with having been instrumental in eliminating the scourge of typhoid fever; and

Whereas his impairment in health resulting from such experiment has contributed to the cause of his present financial distress to the extent that he has become in part dependent upon the public for support; and

Whereas certain legislation is now pending in the Congress of the United States designed to compensate the said George S. Ward for his great courage and self-sacrifice in the cause of public health: Now, therefore, be it

Resolved (if the senate concur), That the Congress of the United States be, and hereby is, respectfully memorialized to enact such legislation to provide a suitable pension to the said public benefactor; and be it further

Resolved (if the senate concur), That a copy of this resolution be transmitted to the Clerk of the House of Representatives, to the Secretary of the Senate, and to each Member of Congress and United States Senator elected from the State of New York.

The VICE PRESIDENT also laid before the Senate the following resolution of the Legislature of the State of New York, which was ordered to lie on the table:

Whereas a resolution providing for the President of the United States of America to proclaim October 11 of each year as "General Pulaski's Memorial Day" for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski is now pending in the present session of the United States Congress; and

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

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

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

Whereas the Congress of the United States of America has by legislative enactment designated October 11, 1929; October 11, 1931; October 11, 1932; and October 11, 1934, to be General Pulaski's Memorial Day in the United States of America: Now, therefore, be it

Resolved by the Senate and Assembly of the State of New York—

1. That we hereby memorialize and petition the Congress of the United States to pass, and the President of the United States to approve, if passed, the General Pulaski's Memorial Day resolution now pending in the United States Congress.

2. That certified copies of this resolution, properly authenticated, be sent forthwith to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives of the United States, and each of the United States Senators and Representatives from the State of New York.

The VICE PRESIDENT also laid before the Senate the following concurrent resolutions of the Legislature of the State of New York, which were ordered to lie on the table:

Whereas the Legislature of the State of New York has previously memorialized the Congress of the United States to enact such legislation as will effectively prevent lynching outrages which continue to occur from time to time in some of the Southern and Southwestern States; and

Whereas such legislation is urgently needed to restore in our people respect for law and order; and

Whereas there is now pending in the Senate of the United States a bill introduced by Senator COSTIGAN which, in the judgment of the people of the State of New York, will accomplish the desired result: Now, therefore, be it

Resolved (if the senate concur), That the Congress of the United States be, and it is hereby, respectfully memorialized to enact with all convenient speed the Costigan antilynching bill or other like legislation which will prevent the punishment or destruction of persons accused or suspected of crime in any other way or by any other authority than by due process of law and by a duly constituted court of justice; and be it further

Resolved (if the senate concur), That a copy of this resolution be transmitted to the Clerk of the House of Representatives and the Secretary of the Senate and to each Member of Congress elected from the State of New York, and that the latter be urged to use their best efforts in obtaining the passage of the legislation referred to herein.

Whereas President Franklin D. Roosevelt offered a social-security plan of permanent employment insurance, old-age pensions, and

benefits to needy and dependent mothers and children designed to safeguard the average citizen in future periods of depression, and as more fully set forth in his message to Congress on the 17th day of January 1935; and

Whereas pursuant to such message United States Senator ROBERT F. WAGNER, of New York, introduced bills in the Congress of the United States seeking to carry out these recommendations: Now, therefore, be it

Resolved (if the senate concur), That Congress be memorialized to adopt the aforesaid bills and recommendations as proposed by Senator WAGNER; and be it further

Resolved (if the senate concur), That a copy of this resolution be transmitted to the Secretary of the Senate and the Clerk of the House of Representatives and to each Member of Congress and to each Senator elected from the State of New York at Washington, D. C.

Resolved (if the senate concur), That the Congress of the United States be, and it is hereby, respectfully memorialized to enact with all convenient speed such legislation as may be necessary to provide suitable and adequate regulation of the transportation of persons and property in interstate and foreign commerce by motor carriers operating motor vehicles for compensation, by charter, or by contract on the public highways in interstate or foreign commerce; and be it further

Resolved (if the senate concur), That a copy of this resolution be transmitted to the Clerk of the House of Representatives, the Secretary of the United States Senate, and to each Member of Congress elected from New York State.

The VICE PRESIDENT also laid before the Senate resolutions adopted by the Board of Supervisors of the city and county of Honolulu, Territory of Hawaii, requesting the enactment of such legislation as may be necessary not only to authorize the issuance of bonds, but to change and amend certain items in bond issues and the spending of appropriations in connection therewith for the city and county of Honolulu, which were referred to the Committee on Territories and Insular Affairs.

Mr. COPELAND presented a resolution adopted by the Master Bakers Association of Richmond Borough, Staten Island, N. Y., favoring the prompt enactment of legislation repealing the processing tax on flour, and "that the surplus fund of $112,000,000 left after paying the farmer approximately $440,000,000 be returned or refunded to the baking industry", which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by the Hebrew Mutual Alliance, of New Rochelle, and the board of directors of the Hebrew Sheltering and Immigrant Aid Society, New York City, both in the State of New York, favoring the enactment of House bill 8163, known as the "Kerr bill", pertaining to the deportation of aliens, which were referred to the Committee on Immigration.

ATTITUDE OF CANNERS TOWARD A. A. A.

Mr. SCHALL. Mr. President, I ask leave to print a letter from Charles J. Meister, who is president of the Minnesota Canners Association, and therefore speaks for the canners of Minnesota. The letter gives the canners' attitude in reference to the A. A. A. amendments and should have space in the RECORD, thereby bringing to the attention of Congress their just views.

I also ask to print a letter from Guy A. Thomas, chairman of the board of the Commander-Larabee Corporation, of Minneapolis, a lawyer and prominent business man.

I also ask to print a letter from farmer Christ Halvorsen, of Milan, Minn., which speaks for itself and which reinforces Senator HASTINGS' speech made sometime ago in the Senate where he placed in the RECORD letters from farmers all over the country showing the undue influence exercised upon them and their opinions by the Secretary of Agriculture's office and his appointees.

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

Mr. BLACK. I object. I may not object at a later time, after I shall have examined the letters and articles.

The VICE PRESIDENT. Objection is heard.

Mr. BLACK subsequently withdrew his objection, and the letters were ordered to be printed in the RECORD, as follows:

FAIRMONT, MINN., *May 28, 1935.*

Hon. THOMAS D. SCHALL,
United States Senate, Washington, D. C.

DEAR SIR: We wish to take this opportunity of thanking you for the courtesies extended while in Washington last week. It was a pleasure to call on you, and we appreciate very much the attitude you take toward our problems. We thought it policy to put in writing some of the things which we discussed when in your office.

As you remember, our business concerned mainly the amendments to the A. A. A. bill, with special reference to clause 3 of subsection 3, section 4, of H. R. 8052. Under this licenses could be imposed on canners of fruits and vegetables.

The canners have not opposed the A. A. A. program and do not oppose it at present except for the one feature. Our record in the past has been one of cooperation and helpfulness, for when A. A. A. requested the canners to increase the price to the grower this was done to the satisfaction of the A. A. A. Prices each of the last 2 years have increased on canning crops to follow the program which they have set out on making our prices equal to parity. We believe our records show that we have gone even further than was requested in trying to be in line with the program the A. A. A. has set forth.

The canners are different than other lines in that the contract is made with the grower early in the spring which establishes a price that shall be paid for the product when delivery is made. In other words, the canner is taking all of the risk so far as market is concerned, and the only risk the grower actually takes is the one on whether or not he produces a crop.

We believe that the canner should have a voice in deciding whether or not licensing should be resorted to, for the canners themselves have an investment in plants and equipment that equals or exceeds the investment of the grower in the land devoted to canning crops production.

In this bill it would not be possible for the canners to go to court unless they were exceptionally large and well financed, for this procedure is so expensive that they would have to accept whatever was imposed, and would not be able to safeguard their rights. There is also a possibility in this program that through the license feature, which would be regional in its effect, prices might be paid for one crop in some section of the country which were not in line with prices paid in other sections. This would, in effect, make it impossible for certain groups of canners to compete.

We appreciate the time and thought that you have given to our problems, and we would appreciate anything you can do to protect our interests when this proposed legislation comes before you.

Yours very truly,

MINNESOTA CANNERS ASSOCIATION,
CHAS. J. MEISTER, *President.*

COMMANDER-LARABEE CORPORATION,
Minneapolis, Minn., June 19, 1935.

The Honorable THOMAS D. SCHALL,
The United States Senate, Washington, D. C.

MY DEAR SENATOR: I have carefully read over the bill which has passed the House relative to the A. A. A. amendments. While I am not an attorney, I have ardently studied the Constitution of the United States—in fact, I have a large copy of it framed in my office for people to read—and if this A. A. A. Act is constitutional from any angle, I miss my guess.

It is simply giving work for a lot of lawyers all over the country to ultimately present claims to the Supreme Court. Put me down on record as saying that if the bill passes the Senate in its present form it will eventually be ruled unconstitutional.

I am surprised that thinking men have given so little study to the Constitution of the United States that they fail to understand that these "if, as, and when" acts that are not positively set for a purpose will not hold water in the final analysis. I do not believe for one minute that you will vote for it in its present form, as you have undoubtedly given a great deal of study to it. But put me down on record regarding the unconstitutionality of the document if it ultimately becomes law.

Regards.

Very truly yours,

GUY A. THOMAS,
Chairman of the Board.

MILAN, MINN., *May 26, 1935.*

United States Senator THOMAS D. SCHALL,
Washington, D. C.

DEAR SENATOR: I am writing you again regarding the farmers voting on if we want the crop-control program or not. I told you in my previous letter it was all a fraud; it is all politics. As I told you, the committeemen were instructed to get all the votes—that is, sealed votes from May 15 till the 25th—so you see they got all the votes that they knew to be in favor of this program. But the biggest swindle was when myself and my neighbor went to vote at the appointed place to vote it was not a soul there to take our votes. We waited 30 minutes and the door was locked. That is a big swindle game by Wallace's politics. We sure hope that you will fight this program to the last ditch, because the Democrats want to import agricultural products.

Very truly yours,

CHRIST HALVORSON.

P. S.—I can make a sworn statement that we did not have a chance to vote the 25th.

REPORTS OF COMMITTEES

Mr. WALSH, from the Committee on Education and Labor, to which was referred the joint resolution (S. J. Res. 148) granting the consent of Congress to the minimum-

wage compact ratified by the Legislatures of Massachusetts and New Hampshire, reported it without amendment and submitted a report (No. 922) thereon.

Mr. BULOW, from the Committee on Civil Service, to which was referred the bill (S. 2806) for the relief of William A. Devine, reported it without amendment and submitted a report (No. 923) thereon.

Mr. GIBSON, from the Committee on Claims, to which was referred the bill (H. R. 5393) for the relief of Moses Israel, reported it with an amendment and submitted a report (No. 924) thereon.

Mr. WHEELER, from the Committee on Interstate Commerce, to which was referred the bill (S. 1632) to amend the Interstate Commerce Act, as amended, by providing for the regulation of the transportation of passengers and property by water carriers operating in interstate and foreign commerce, and for other purposes, reported it with amendments and submitted a report (No. 925) thereon.

Mr. HAYDEN, from the Committee on Printing, to which was referred the bill (H. R. 8297) to amend so much of the First Deficiency Appropriation Act, fiscal year 1921, approved March 1, 1921, as relates to the printing and distribution of a revised edition of Hinds' Parliamentary Precedents of the House of Representatives, reported it without amendment and submitted a report (No. 926) thereon.

Mr. BLACK, from the Committee on Military Affairs, to which was referred the bill (H. R. 298) for the relief of Jack Page, reported it with an amendment and submitted a report (No. 927) thereon.

BILLS INTRODUCED

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

By Mr. KEYES:

A bill (S. 3114) for the refund of customs duty paid by Salvatore Lascari on an importation of mosaic paintings for the Moody Currier Art Gallery in Manchester, N. H.; to the Committee on Finance.

By Mr. MURPHY:

A bill (S. 3115) to amend section 75 of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended; to the Committee on the Judiciary.

By Mr. WAGNER:

A bill (S. 3116) to eliminate certain lands from the Craters of the Moon National Monument, Idaho;

A bill (S. 3117) to accept the cession by the State of Arkansas of jurisdiction over all lands now or hereafter included within the Hot Springs National Park, Ark., and for other purposes;

A bill (S. 3118) to provide for the creation of the Perry's Victory and International Peace Memorial National Monument on Put in Bay, South Bass Island, in the State of Ohio, and for other purposes; and

A bill (S. 3119) to authorize the transfer of the Otter Cliffs Radio Station on Mount Desert Island, in the State of Maine, as an addition to the Acadia National Park, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. ASHURST (by request):

A bill (S. 3120) to authorize and direct the Secretary of the Treasury to transfer certain moneys to "Funds of Federal prisoners"; to the Committee on the Judiciary.

By Mr. McADOO:

A bill (S. 3121) to vest in the Register of Copyrights the registration of copyright prints and labels; to the Committee on Patents.

AMENDMENT TO MERCHANT-MARINE BILL

Mr. McNARY submitted an amendment intended to be proposed by him to the bill (S. 2582) to develop a strong American merchant marine, to promote the commerce of the United States, to aid national defense, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENTS TO RIVER AND HARBOR BILL

Mr. WHITE submitted two amendments intended to be proposed by him to the bill (H. R. 6732) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which were ordered to lie on the table and to be printed.

EXTENSION OF CERTAIN TAXES—AMENDMENTS

Mr. ROBINSON (for Mr. POPE) submitted an amendment pertaining to a tax on dressed or dyed furs, intended to be proposed by Mr. POPE to the joint resolution (H. J. Res. 324) to provide revenue, and for other purposes, which was ordered to lie on the table and to be printed.

Mr. COPELAND submitted an amendment intended to be proposed by him to the joint resolution (H. J. Res. 324) to provide revenue, and for other purposes, which was ordered to lie on the table and to be printed, as follows:

At the proper place in the joint resolution, to insert the following:

"That paragraph 8 of section 602, Revenue Act of 1934, is hereby amended by striking out the words 'whale oil (except sperm oil)', and by adding after the words 'marine animal oils' the words 'except whale and sperm oil.'"

SETTLEMENT OF LABOR DISPUTES—REPRINT OF BILL

Mr. WALSH. I ask unanimous consent to have a reprint made of 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, showing the amendments of the House of Representatives numbered.

The VICE PRESIDENT. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts and joint resolution:

On June 15, 1935:

S. 209. An act for the relief of Carmine Sforza;

S. 557. An act for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department;

S. 927. An act to amend the act entitled "An act to give war-time rank to retired officers and former officers of the Army, Navy, Marine Corps, and/or Coast Guard of the United States", approved June 21, 1930, so as to give class B officers of the Army benefits of such act; and

S. 2029. An act to authorize naval and Marine Corps service of Army officers to be included in computing dates of retirement.

On June 17, 1935:

S. 410. An act to provide fees to be charged by the recorder of deeds of the District of Columbia, and for other purposes; and

S. 2100. An act to amend an act of Congress entitled "An act to establish a Code of Law for the District of Columbia", approved March 3, 1901, as amended, by adding three new sections to be numbered 802 (a), 802 (b), and 802 (c), respectively.

On June 19, 1935:

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

S. 2688. An act to amend an act entitled "An act to regulate the manner in which property shall be sold under orders and decrees of any United States courts", approved March 3, 1893, as amended.

On June 20, 1935:

S. 380. An act to reserve 80 acres on the public domain for the use and benefit of the Kanosh Band of Indians in the State of Utah;

S. 1831. An act transferring certain national-forest lands to the Zuni Indian Reservation, N. Mex.;

S. 2131. An act to provide for the establishment of the Big Bend National Park in the State of Texas, and for other purposes;

S. 2597. An act for the relief of Irene de Bruyn Robbins; and

S. J. Res. 42. Joint resolution to amend section 289 of the Criminal Code.

THE PEOPLE AND THE THREATENED CONSTITUTION—ADDRESS BY SENATOR VANDENBERG

Mr. WHITE. Mr. President, I ask unanimous consent to have extended in the RECORD a speech made last evening by the junior Senator from Michigan [Mr. VANDENBERG] over the National Broadcasting System on the subject "The People and the Threatened Constitution."

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

My fellow countrymen, the Constitution of the United States once more is a live issue before the American people, because of recent epochal events in the following sequence:

First. The Supreme Court, in a series of unanimous decisions, decided that the Federal Government must keep hands off the internal business of the States; that Congress must quit delegating legislative power to the President and lesser bureaucrats; that the President must release the hand of dictatorship from important functions heretofore usurped; in a word, that the Constitution is something more than a paper napkin at an economic picnic.

Second. The President promptly bowed to the authority of the Constitution as authentically asserted by the Supreme Court. But, in a burst of melancholy gloom he announced that this curb will throw America back to the old "horse and buggy" days—meaning anything prior to his own infatuated dispensation—and indicated his belief the Constitution probably needs change. His tone moderated a few days later; but his primary impulse was disclosed in his initial statement when goaded to candor by his initial collision with the Constitution. Manifestly, it must be nullification or amendment if much of the new collectivism shall persist.

Third. The Presidential reference to constitutional amendment immediately took hold, and, as usual where impatience governs, it swiftly graduated into impetuous discussions of broadest possible constitutional reconstruction by others—all proposals aiming, in some fashion, to break down existing constitutional restraints. Again we heard of the old scheme to make Congress supreme over the constitutionality of its own acts. One of our home-vacationing ambassadors even suggested a convention to rewrite the whole charter. Behind these three episodes were 2 years of restless encroachment upon the traditional American mode; 2 years of cumulative power in Washington at the expense of State home-rule and of individual independence; 2 years of congressional surrender to alphabetical commissars who deeply believe the American people need to be regimented by powerful overlords in order to be saved. In addition, there has arisen the new Federal subsidy system under which State rights have been beguiled or bought or bludgeoned into coma.

Thus the Constitution and its traditional Americanism again are live issues. This is good if it leads to truth; incalculably bad if it misleads into treacherous innovations. The people must decide. The Constitution belongs exclusively to them. It cannot be changed by Presidents, courts, or Congresses. But eliminate the Supreme Court and the Constitution no longer is responsive solely to the people. It becomes whatever Congress wants or an ambitious White House dictates. It invites fascism at the "right" or communism at the "left." Today this cannot be true. The Constitution, speaking for the people, is above all government. It is the voice of the sum total of our citizenship. When it yields this character the Republic will join the rest of the world in the ashes of democracy.

It is vital that the people understand that if they desert the Constitution they desert themselves. They fall upon their own sword. "In framing a government which is to be administered by men over men, the great difficulty lies in this; you must first enable the Government to control the governed, then oblige it to control itself." Hence our Constitution, which none but the people may alter. Hence the Supreme Court to protect this right. The Constitution and the Court are the peoples' sole assurance that this right shall survive. Nothing could be more antiliberal than to strike it down. Justice David Davis, Lincoln's great friend, said:

"The Constitution is a law for rulers and people and covers with the shield of its protection all classes of men at all times and under all circumstances."

Such a reliance will not be impetuously altered by a rational citizenship which knows the source of its liberty, security, and power. We owe open-minded study to any specific suggestions for constitutional amendments. But we owe a greater study to our history and experience under this great Charter to determine whether change is unavoidably required. Above all, we owe unyielding resistance to any attempts to cheat the Constitution without changing it. Not only the length but the direction of any innovation must be faithfully assessed. When we deal with the Constitution we deal with our birthright.

This does not pretend the Constitution is sacrosanct. This is not a static world. But our constant amazement has been to discover that this charter usually fits our changing needs if we seek patiently to find our answer within its boundary. Those who want to live within it, and have the ability to search the way, usually can reach any legitimate goal. Even the President's favorite Army general—the crack-down genius who lived an imperial hour under the minatory wings of a synthetic eagle—denies any thesis to the contrary. There may come conditions which require change. Federal control of interstate commerce is the most recently asserted cause for such study. But the friendly New York Times said the President's first speech upon this score was "imprudent"; and the friendly Walter Lippmann said: "An amendment to turn over to the National Government omnipotent powers to regulate wages, hours, working conditions, trade practices, and prices would not be ratified by 10 States; would divide and wreck utterly the Democratic Party; would be just about the most superlative piece of idiocy by which any public leader would seek to cut his own throat." I admit a field of legitimate argument at this point. But it is my own view that concentrated Washington authority over the intimate lives and livelihoods of 125,000,000 people scattered across a broad and diversified continent would be both despotic and impractical. In recent memory we put prohibition into the Constitution on the theory these social problems must be answered nationally; then we took it out of the Constitution on the theory that they can't be answered nationally.

But it is not my purpose to argue particular situations. I argue simply that if basic changes must come, they must be by deliberate amendment and not by usurpation no matter how nobly meditated. I argue that the Supreme Court protects the people against usurpation—rather than being the usurper, as often pictured by impatient critics. I also argue the need to discriminate between amendments which change certain boundaries—as in the controversy over interstate commerce—and amendments which would destroy the basic structure of indispensable checks and balances. I question the former. I conclusively reject the latter.

These two types of amendment are again being discussed. One would enlarge Federal powers at the expense of State home rule. This trends toward greater bureaucratic centralization. The other would enlarge legislative and executive powers at the expense of judicial powers. This trends toward the vices of the European system. It invites surrender to an elective despotism. It would be the beginning of the end of ordered liberty. It would surrender popular sovereignty. You can never make a Soviet out of a Supreme Court, hedged on all sides; nor a Bourbon oligarchy out of a Federal judiciary lacking a single affirmative power of enslavement. But you can make any sort of a monster, suited to the ruling passion, out of a legislature or an executive which can be supreme above all things and all men. Even in pursuit of desperately wanted security, let not the warning of Benjamin Franklin be forgotten: "Those who seek security at the expense of liberty will probably lose both."

Impatience with the Constitution and the Supreme Court is no novelty. It is a recurrent phenomenon. We are a volatile people. We are proverbially irked by barriers even when they mark safety zones. But we usually come to our senses before it is too late. Each generation must suffer the same inflammatory declamations. But it has been our blessing that sanity has recuperated in time. Remember this from the Federalist Papers:

"Considerate men should prize whatever tends to fortify the courts; as no man can be sure he may not be tomorrow the victim of a spirit of injustice by which he may be a gainer today."

Thus the great South which originally was chief critic of decisions amplifying Federal power turned to the same Court in reconstruction carpet-bag days and gratefully gained protection against an improper exercise of this same Federal authority carried to excess. Thus, too, when labor unions were shocked in 1908 when the Court found that a labor boycott violated the Sherman Act and proclaimed it an evidence of the servility of the Bench to "big business", they forgot how equally shocked "big business" was in 1897 when the same Court found that "railroad pools" were illegal under the same act. Other examples are legion. Every anticonstitutional communist, when snatched from his soap box, appeals to the Constitution for his ultimate protection.

Nevertheless the Supreme Court—which is to say the articulate Constitution—has been periodically under fire. Ever since the convention of 1787 a zeal frequently more ardent than enlightened has gnawed at the vitals of this dominant charter. The apparent target has been the courts. The real target has been the Constitution itself, because, as James Madison said, the Constitution without the Federal judiciary would be "as much of a mockery as a scabbard put into the hands of a soldier without a sword in it."

At first the quarrel involved the question whether individual States were subservient to Federal authority. This denial was most formidably voiced in the famous Kentucky and Virginia resolutions of 1789. But for 70 subsequent years it flamed in episodes of serious revolt. Thus Georgia's legislature once ordained that any Federal marshal who executed any Federal process should be "guilty of felony and suffer death, without benefit of clergy, by being hanged." Thus Pennsylvania once broke into armed rebellion; and when Federal courts were threatened with violence if they dared punish the recalcitrants, Judge Bushrod Washington evidenced his sublime courage by adjourning his court to the largest assembly hall in Philadelphia so that, as he said, "Citizens who manifest a deep interest in the results, may witness the administration of the justice of the country, to which all men, great and small, are alike bound to submit."

We are all familiar with South Carolina's nullification ordinance denying all State jurisdiction to the Supreme Court—an emergency which Andrew Jackson served with great courage and nobility. We all know the climax in this particular group of experiences—all linked with the immortal memory of Webster—in which the extreme idea of State rights was liquidated in civil war. Significant of these vicissitudes, it may be noted that so bitter was national resentment over the Court's decision in the Dred Scott fugitive slave case, a bill to place a bust of Chief Justice Taney in the Supreme Court room was lost in Congress amid vindictive anathema. Yet as a heartening evidence of recurrent convalescence in our

mental modes, it is more significant that in the cooler-headed days of 1874 the same bill became a law.

Another long line of temporary national revolts has taken the form of efforts to control the Supreme Court's personnel. The great Jefferson himself was not averse to this strategy. One result was a proposal by Hamilton to form the Christian Constitutional Society—which sounds like some of our modern organizations. Another result was to cause Woodrow Wilson to say a century later:

"It was Jefferson's weakness to think it safe for the friends of the people to make a blank paper of the Constitution, but the very gate of revolution for those who were not Democrats."

That is a favorite folly with us all.

Political efforts to impeach judges occasionally occurred when restless administrations sought quick access to balked power. Political efforts to "pack" the Court have been frankly known. But the point is that through it all, the people finally have had the sense to see to it that the Constitution and the Supreme Court survive. I add in this connection that the Supreme Court never yet has rendered a political opinion. The contrary is repeatedly provable. There was never any remote justification for Candidate Roosevelt's slurring and baseless imputation in his speech at Baltimore on October 25, 1932, that the Court was politically subservient to current political administrations.

Another group of clashes has been stirred by exercise of Supreme Court power to declare acts of Congress unconstitutional. The late Senator Beveridge, writing of Chief Justice Marshall who originally announced the decision vindicating this power, said:

"This supremacy of the written Constitution over statute law, and the authority of the Federal judiciary to act as arbiter in a clash between the two, is wholly and exclusively American. It is America's original contribution to the science of law."

But the contribution has precipitated periodical efforts to escape this greatest of our checks and balances. A successful raid upon the Supreme Court's appellate jurisdication actually succeeded in 1868, but the power was restored 17 years later—another proof that America declines to lose her head indefinitely. There have been many kindred attempts. For example, we faced it, in paraphrase in 1912, when a novel idea proposed "the recall of judicial decisions."

But none of these infringements has taken hold. The power still stands—not the power of nine members of the Supreme Court to defy the President and Congress; but the power of the Constitution to insist that no President or Congress shall exercise any authority not granted to them by the people. It is the vindication of the power of the people.

Those who would strip the Supreme Court of this power have thin justification for their impatience when the whole record is candidly confronted. In 146 years Congress has passed 24,016 public acts, and only 59 have been held unconstitutional. The score is 24,016 to 59! Yet the 59 are magnified into frequent excuse to assault the Court's jurisdiction. The fact that many of these adverse opinions concentrate in our last two innovating years is less reason to attack this jurisdiction than to challenge these immediate trends as being hostile to American institutions. It calls for more rather than less vigilance.

Under lash of temporary disappointment or impatience, we may flare into thoughtless echo of these old demands for revolutionary change. But second thought, though sometimes dangerously belated, never yet has failed to restore a just regard for the amazing constitutional structure which makes us what we are.

I do not argue against exercise of the right to seek constitutional change by the ordained process. I only appeal to the people not to yield lightly to the demands of an impassioned moment, nor to be misled by any specious plea that the Constitution is an instrument of malign repression deserving popular contempt. Truth is exactly otherwise. The Constitution protects the people and preserves to them sole sovereignty. The people victimize themselves if they part with this bulwark.

Congressmen are chosen for 2 years; Presidents for 4; Senators, for 6. They come and go—hailed today, repudiated tomorrow. The Constitution is our one continuous foundation. If it ever becomes similarly transient we shall trade granite for sand as the base of our institutions. This does not suppose a superiority of the judicial to the legislative or executive power. It supposes only that the power of the people is superior to all three. The Constitution is the people. The people never should mediate their own dethronement, or hasten to the defeat of their own authority. They should never embrace constitutional change except as it becomes conclusively plain as the only recourse.

This is not Russia—yet. This is not Europe. This is still the Republic of the United States. Why? Because of the Constitution. Those who smirk at it as a "horse and buggy" antiquity conveniently ignore the shining fact that under it we have builded a larger relative happiness and prosperity than any other nation in history.

For every credential urged in behalf of the new experimental era a thousand benedictions may be cited to the honor and the glory of the traditional American Constitutional institutions. If the time finally has come for change, let the need and the wisdom of it be proven beyond shadow of a reasonable doubt. Let no passing fancy, no fickle emotion, no balked ambition drive us to hasty reprisals upon our greatest asset. The remorse and repentance of tomorrow will be poor consolation for the unthinking errors of today.

It is no idle resurrection of a rhetorical phrase; it is no empty recollection of Lincoln loyalties; it is simply the iron truth that it is the integrity of the Constitution of the United States which alone warrants that "government of the people, for the people, and by the people shall not perish from the earth."

ANNIVERSARY OF WEST VIRGINIA'S STATEHOOD—ADDRESS BY SENATOR DICKINSON

Mr. AUSTIN. Mr. President, I ask unanimous consent to have printed in the RECORD an address by the Senator from Iowa [Mr. DICKINSON] on West Virginia Day, at Martinsburg, W. Va., June 20, 1935.

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

The occasion on which we are met today has a significance far beyond that of the usual historical anniversary. We are commemorating the entrance of West Virginia into statehood. In a very special sense we are also doing honor to the historic circumstances which are inseparable from that event. For West Virginia was born in the throes of a great conflict fought to determine, once and for all time, that this great Union of States was "one and indissoluble."

The State's origin thus differs from the original colonies on one hand, and the later Commonwealths, like Iowa and Kansas, on the other. The first had enjoyed all the attributes of sovereignty, while the latter were created out of the national domain by act of Congress.

Let us consider for a moment the nature of the momentous decision taken by the citizens of this State 74 years ago today. The choice law, as so often happens, at destiny's crossroads, between loyalties and principles. Separation from the Old Dominion, with all that was implied in common ancestry, mutual traditions and sacrifices, came only when it was no longer possible to reconcile these two great motivating influences in human conduct. It was like the division within a family, or alienation between children and parents.

We know, for example, how much that question of loyalty meant in the case of the great Virginia military leader called upon to decide whether his sword should be tendered to his beloved State or to accept the supreme command of the Armies of a young Nation that had not yet been spiritually fused under the trials of war. For days he pondered where his duty lay, and then obeyed the deepest of all instincts—his heart.

We know how the residents of this western end of that great State, no less conscientious and sincere, chose the opposite course. They embraced principles that seemed to them vital, and determined to support the Union and the Constitution. When the decision was taken by those 39 mountain counties, the vote was 38 to 1 to secede from secession. Theirs, too, was not an easy choice. For we must remember that in those days—the "horse and buggy days", if you will—the locality, the county, the section from which one came were largely independent and intensely proud of it. They had not yet been knit together by a network of highways and railroads to become, as many now seem to believe, mere parts of an economic machine so vast and so intricate that it can be administered only from Washington.

It was Lincoln's imperishable achievement not only to have saved the Union but to have taken those thousands of isolated, scattered communities, bound them together, and breathed into them the spirit of national unity and purpose. Therefore it seems to me particularly fitting that on this West Virginia anniversary we should reaffirm those principles which history will link always with his name, and which now seem placed in as grave jeopardy as when he was called to quell the forces of disunion then threatening the Nation's future.

Lately there was held in the city from which Lincoln set forth for his great task a rather remarkable gathering, a gathering unique in the annals of our history. From a dozen States throughout the Middle West there journeyed to Springfield, Ill., 8,600 earnest, patriotic citizens who paid their own expenses, without benefit of A. A. A. checks, and who were not on Government pay rolls. Let us forget that they were called Republicans, for that is unimportant. Mere partisanship, especially in a year without either elections or candidates, could not bring such an outpouring nor account for the almost religious fervor which animated those proceedings. The spirit that sent those men and women to Springfield is abroad everywhere in America today.

Grave questionings, forebodings of danger facing the Republic are in the air. A sense of uneasiness and uncertainty among business men again retards recovery. These fears have crystallized as the result of the Supreme Court's decision in what General Johnson calls, in his usual attempt at facetious expression, the "sick chicken" case.

You will remember that in this historic verdict the Court unanimously held that chickens raised in Pennsylvania, shipped in interstate commerce to New York, and there resold to a local poultry firm, could not be affected with a national interest. That is, the price paid for poultry dressed in Brooklyn had no relationship to similar activities conducted, let us say, here in West Virginia or in California.

Aside from its legal technicalities that decision rests, as must all such cases, on practical common sense. Of course, its collateral effect was to sweep aside as invalid more than 10,000 pages of restrictions and regulations placed about the conduct of all business under the National Recovery Act.

Yet hardly had the Court pronounced its obituary on a system that was already dead through the sheer impossibility of its enforcement, when from high places came the suggestion that, as a result of this decision, the Constitution once more stood in need of amendment. It may turn out that the President's fateful statement to the newspapermen was no less decisive to his own

fortunes than was Senator Stephen A. Douglas' flippant reply to Lincoln in their memorable Freeport debate.

Now the remarkable thing is that the Nation's basic law has been altered no less than 12 times, and always without any feeling of misgiving or peril to our fundamental institutions, such as I have described. What was there in this suggestion to cause ex-Governor Lowden, of Illinois, to declare with all the earnestness at his command: "I measure my words when I say that no crisis so grave as the present has confronted the American people since the Civil War"?

The proposal advanced is to revise the fundamental relationship between the Federal Government and the States by transferring to the central authority all control over the Nation's economic life. In other words, the Constitution is to be changed so drastically that the Bill of Rights, regarded for a century and a half as the ark of our individual liberties, would be virtually annulled. Nor would further amendments ever again be necessary.

They will not be necessary because the essentially Federal character of the American system of government would have been destroyed. The States are reduced, for all practical purposes, to mere units of administration for a centralized national economic policy, such as has been brought about in Germany under the Nazi regime. The vast American continent is to revolve about the White House, Washington as its hub, with the lives and activities of 130,000,000 people regulate under what in radio parlance is called "remote control."

John Marshall, whose great decisions as Chief Justice laid down the lines of our constitutional development, must have foreseen that such an issue would eventually arise when he said:

"No political dreamer would ever be wild enough to think of breaking down the lines which separate the States and of compounding the American people into one common mass."

The results that would flow from such action never have been better described than by Mr. Roosevelt himself, who, as Governor of New York, declared:

"It was clear to the framers of our Constitution that the greatest possible liberty of self-government must be given to each State, and that"—note these words—"any national administration attempting to make all the laws for the whole Nation * * * would inevitably result * * * in a dissolution of the Union itself."

The most striking fact about this amazing proposal for the aggrandizement of the Chief Executive is not the bureaucracy so established, into which every worker, every shopkeeper, every small businessman soon would be bound inextricably, or even the constitutional issue that is thus raised. Debate on the purely legal phases of this question will echo from Maine to California; they need not concern us today.

The arresting feature is that this proposal is put forward at the end of 2 years of attempts at exactly such national regimentation, and that it is made apparently on the bland assumption that from the results achieved the program has been an unqualified success. Otherwise why should it be continued? The Supreme Court cannot now be used to alibi the true record which manifestly is one of complete failure.

In this all inclusive economic experiment called the "new deal", the American people have cooperated willingly. No administration ever had more patriotic support. Individual opinion and judgment have been subordinated to the program of providing employment for millions of idle workers, for lessening the burden of private debt, for the relief of agriculture.

Uncomplainingly, the people have submitted to regulation that included everyone from southern peanut growers to Manhattan window cleaners. They have accepted curtailment of foreign trade and the decline in cotton and wheat exports as part of what was called a "balanced" national economy. They have watched the destruction of cattle and hogs, and the rise of the cost of living in the cities. How to relieve want with scarcity may have been beyond their understanding, but still they had faith that perhaps the administration at Washington could accomplish even that miracle.

These activities have been described aptly by H. G. Wells, the eminent English publicist and who certainly is an impartial observer, as resembling an effort to raise temperature by boiling the thermometer. Now we are asked to confirm, by constitutional amendment, the authority by which this has been done. We are asked, furthermore, to make what has been a temporary program to meet an "emergency" into permanent national policy.

Before we embark on any such uncharted course, let us look a little more closely into the reasons which lie behind this proposed destruction of local governments. Let us examine the philosophy of those who could change the American system of balanced powers, carefully and deliberately set up for the preservation of liberty and freedom which it is now the fashion in some quarters to decry, and which would presume to set up a government of supermen in the place of a government of laws.

The necessity for Government aid in meeting the problems of the depression cannot be challenged. The social consequences of universal bankruptcy and distress would have been catastrophic had not the Government extended its own shield of credit and offered succor for its citizens. What is open to question are the methods by which it was sought to reach these objectives.

The attempts to regulate industry through the codes and agriculture under the A. A. A. began on a voluntary basis. Soon it was found that the activities of chiselers—that selfish, unpatriotic 10 percent who place personal advantage over national welfare—nullified this cooperative action.

The administration at Washington, instead of moving to control the chiseling 10 percent, as it would any other malefactor, set out to police all industry and all agriculture. The license became as important as a birth certificate. Restriction of cotton growing was made compulsory by the Bankhead Act, while the President was authorized to "impose" codes on recalcitrant industries, or to amend those already in effect.

Regimentation thus spread from those few basic economic activities that had been most affected by the depression to include more and more groups. From wheat and cotton, as originally proposed, agricultural control was extended to include 11 other crops which, sympathetically, were involved in competition.

Having established the principle of public subsidy, not for the creation of wealth, but for refraining from normal activity, more and more of our national economy has become dependent upon these artificial restoratives. Thus financial corrections are delayed; and the ultimate withdrawal of Government aid must inevitably produce another crisis no less serious than that which brought the present methods into being.

The chief criticism of the administration's course is that instead of eradicating those factors which have produced a disequilibrium between production and consumption, and between agricultural and industrial price levels, the present system tends to set up new evils more vicious and more lasting than those brought about by the depression. Let me illustrate this by citing the South's great cotton industry.

The cotton grower may not feel immediately concerned over the loss of foreign export markets so long as the Government purchases or lends on his output at 12 cents a pound. He may not now worry because Brazil and India and other countries are supplying cotton formerly purchased in America, or that exports have dropped in consequence to the lowest level in many years, or that Government holdings now exceed 6,000,000 bales. These facts are of the deepest significance; and is it not at once obvious that such a system cannot continue indefinitely?

Sooner or later, that part of our cotton production intended for foreign consumption must be permanently abandoned, or some new method found which will equalize the difference between European and American prices. Yet the administration at Washington has not discovered even the beginning of a solution for this important problem. Should the devices of expediency, brought about by the necessities of politics, be confirmed, by amending the Constitution, into a permanent national policy?

Similarly, when the grave problem of unemployment is examined, do we find effective headway being made in its solution? If so, why is the number of persons now on relief greater than a year ago? Congress has recently appropriated an additional $4,800,000,000 for a fresh attack on this most basic of all the depression factors. For weeks the Senate vainly sought information on how this vast sum was to be expended, as to the plans matured through which the administration promised that before fall 1935, 3,500,000 men were to be put back to work.

It now develops that there are virtually no plans, and that temporary expedients, like the ill-fated Civil Works Administration of last year, must now be resorted to, but which still equally fail to meet the test of permanent remedies. The expenditure of nearly two billions on the C. W. A. is admitted to have been a failure. With our public debt now approaching $30,000,000,000, how many more such failures can we afford? When the present $4,800,000,000 is exhausted, which will be by next July, are we to be confronted again with the same crisis and the necessity for still further billions? If this is all that planned economy can show, I leave it to you, is it not time to abandon such treacherous quicksands?

I raise these questions, not in captious criticism, but because they reach back to the heart of any proposed national regimentation of our economic life. A planned economy to succeed presupposes superior intelligence possessed by those who are its directors; it must not proceed on the basis of trial and error. A national administration which attacks bigness in business must itself be free from the evils it condemns.

The American political system rightly has been devised to preclude such supermen. Dictatorships were as common when the Constitution was adopted as they are today. They thrive only in periods of grave economic discontent. Instead the American plan as adopted by the founding fathers and which has successfully surmounted many major depressions, has limited such experiments to the States. Wisconsin or Louisiana, for example, can conduct whatever laboratories they please. The Nation can look on and check the results; it does not have to pay for their mistakes.

It is worth noting that Prof. Rexford Guy Tugwell, Under-Secretary for Agriculture, and one of the guiding spirits of the new-deal philosophy, himself recognizes the fundamental issue which a constitutional amendment places before the people. Candidly he admits:

"It is a logical impossibility to have a planned economy and to have business operating its industries, just as it is also impossible to have one within our present constitutional and statutory structure. Modifications in both, so serious as to require destruction and rebeginning, are required."

"Destruction and rebeginning!" Is it any wonder that, faced with such a threat, a sense of impending disaster pervades the country?

As against these attempts to enforce recovery by Government control, let me cite for comparison the steps by which the great depression of 1920 was overcome. It too was world-wide, with its greatest intensity felt in the United States. The basic causes of that early post-war deflation and the present crisis are alike in many particulars, while the methods of treatment differ materially.

A great conference of industry was called at Washington to devise its own program of action. A plan of cooperation was then laid out, in which the Government was to assist, but for which business assumed the responsibility of execution. That is the first important difference in method. Next through capital expenditures made in the channels of normal business activity, and through concerted effort directed at the weak points in the business fabric, the force of the deflation was turned. Recovery in America preceded that of Europe and turned into an almost immediate prosperity. When we look for the reason, we find that cooperation, rather than a gun held at the head of business, provides the answer.

In the present emergency the results have been reversed. With the assumption of all initiative by the Government, America stands twenty-sixth among the nations in percentage of business revival. The advice of industrial and financial leaders is studiously ignored. The recommendations of the Business Advisory Council, formed by Secretary Roper of the Department of Commerce, for the specific purpose of guiding Government officials, are similarly ignored.

The wonder is, with this confusion in our national objectives, that recovery takes place at all. Instead of correcting deep-seated maladjustments, which require something more drastic than surface palliatives, we have embraced political necromancy that promised to restore prosperity painlessly. For should all other remedies fail, our faith remains unshaken in what economists call the "natural forces of recovery."

Contrast Great Britain's record during the past 3 years with the results that have been achieved in the United States. Let me quote from Premier Stanley Baldwin's recent statement:

"I cannot in this short talk enumerate all the good results which have accrued from the National Government's work, but I will draw your attention to a few of the more striking facts.

"Thanks to the readiness with which the country responded to the sacrifices demanded of it in 1931 and the care with which the national finances have been managed ever since, we now stand in a position which is unique among the great nations of the world. While other countries are still facing large budget deficits and some are even contemplating still heavier cuts, even in war pensions, we alone have enjoyed substantial Budget surpluses for 3 years past.

"We have, therefore, been able not only to restore the 1931 cuts but even to reduce taxation by sixty millions; but the return of sound financial conditions has done more than this. It has created that spirit of confidence without which the trade revival which we are now enjoying could never have occurred.

"It is a remarkable fact that when world trade as a whole shows little, if any, improvement since 1931, our country last year surpassed all previous records in the production of manufactured goods, and as a result the number of people in employment today is the highest ever recorded in the history of our country."

There the national budget is balanced, taxes are reduced, exports and imports are rising, factories are busy. Already recovery is an accomplished fact. Here no pretense of balancing the Budget is even made; the bill confronting the taxpayer is appalling, notwithstanding that in the last 3 years our national debt has practically doubled. American foreign trade has shriveled to the vanishing point, and our idle merchant marine is tied up to empty wharves. Forty percent of the population is dependent, in one way or another, upon Government aid. Thus far have we come, not in banishing want, but in sharing poverty.

British progress has been brought about by the curtailment of unproductive Government expenditures and a return to those old-fashioned virtues of thrift and saving. If I do not mistake the temper of the American people, they, too, are tired of this foolish squandering of public funds, of these attempts to lift ourselves by our bootstraps, of this mountain of Government debt which not only absorbs virtually half the savings intrusted to the country's banks but mortgages the future of our children and our children's children.

I spoke a moment ago of the philosophy which lies behind these new-deal activities and which contemptuously spurns the advice of business as well as the accumulated economic experience of generations. Let me recall again Professor Tugwell's phrase, "Destruction and rebeginning."

One can search in vain through the Democratic platform of 1932 for any reference to the program which is now being fitted like a strait-jacket to the American public. It stems further back, to the conference for progressive political action held in Cleveland in December 1924. Strangely, when we examine the leading participants in that campaign, we recognize many faces that have become familiar in the present administration at Washington. Here we meet Professor Tugwell, Mr. Donald Richberg, Mr. A. A. Berle, Jr., Mr. Basil Manly, and Dr. Frederic C. Howe. What were the things this little group of enlightened thinkers stood for in 1924? Let me quote the topics of the principal resolutions adopted:

"Public ownership of * * * water power and creation of a public superpower system."

"Strict public control and permanent conservation of all natural resources * * *."

"Promotion of public works in times of business depression."

"Reconstruction of the Federal Reserve and Federal Farm Loan Systems to provide for direct public control of the Nation's money and credit * * *."

"We favor submitting * * * a constitutional amendment providing that Congress may, by enacting a statute, make it effective over a judicial veto."

Are not these the very items emphasized on the administration's "must" legislative program? Has not this little "group of determined men", to paraphrase President Wilson, captured and suborned the great Democratic Party—that party which stood for generations at the very opposite pole of any such creed?

This method of acquiring control by "boring from within" is now accepted political technique among Socialists all over the world. It is thoroughly understood in Europe, but it is alien to America.

Here we have insisted that political issues be fought in the open, that they be submitted to the people for free discussion and referendum. We have really believed in the principles of such democratic institutions.

Certainly the public has the right to know what the new deal actually represents. The time has come to strip away all legal subterfuges so that we see the real purposes that lie behind.

"Destruction and rebeginning"—if that is the issue, the American people have both the courage and the honesty to meet it squarely without flinching. For one, I am confident of the verdict.

FEDERAL HOUSING ADMINISTRATION ACTIVITIES

Mr. McKELLAR. Mr. President, I have a letter dated June 20 from Mr. Stewart McDonald, Acting Administrator of the Federal Housing Administration, giving by months the figures as to expenditures for modernization and repairs and insured loans, and also mortgages submitted with fees paid for survey and appraisal. These figures are so interesting that I ask that the letter and the statistics may be printed in the RECORD as a part of my remarks.

There being no objection, the letter and statistics were ordered to be printed in the RECORD, as follows:

FEDERAL HOUSING ADMINISTRATION,
Washington, June 20, 1935.

Hon. KENNETH MCKELLAR,
Senate Office Building, Washington, D. C.

DEAR SENATOR MCKELLAR: The attached figures may interest you.

The activities under title I, which covers modernization and repairs, were commenced last fall and continued throughout the winter. With the opening of spring the program has gained momentum.

A very large amount of work, stimulated by nearly 8,000 F. H. A. civic campaigns, is done either for cash or uninsured loans. It is estimated that to date a total of $514,472,970 value of jobs have either been completed or are under way.

It was about April 1 before the various States had passed sufficient enabling laws to allow title II to function properly. Title II deals with the insurance of home mortgages.

During the past 11 weeks the weekly average of title I has been doubled and that of title II tripled.

The Federal Housing Administration itself does not make loans. Those reported are made by private capital either for modernization and repairs, new-dwelling construction, or refunding of existing mortgages.

Yours sincerely,

STEWART MCDONALD,
Acting Administrator.

JUNE 18, 1935.

Memorandum showing weekly volume from Apr. 1 to date

For week beginning—	Title I. Modernization and repair; insured loans	Title II. Mortgages submitted with fees paid for survey and appraisal
Apr. 1	$2,026,512	$2,483,000
Apr. 8	2,488,528	2,875,500
Apr. 15	2,551,199	3,364,800
Apr. 22	2,968,885	4,130,600
Apr. 29	2,780,865	6,975,200
May 6	3,247,010	5,984,500
May 13	3,476,317	5,907,200
May 20	3,496,452	8,139,800
May 27	3,609,707	5,204,600
June 3	3,187,933	7,085,000
June 10	4,275,784	7,391,400

Thirty-three percent of title II is new construction.

STEWART MCDONALD.

BULLETINS OF SEVENTY-SIX LEAGUE

Mr. SCHALL. Mr. President, I ask leave to print in the RECORD three bulletins from the Seventy-six League. The information contained in these is vital to the Nation, and I believe every American with the spirit of '76 in his breast should be given the information therein contained.

There being no objection, the bulletins were ordered to be printed in the RECORD, as follows:

[The Minute Man, May 1, 1935, Philadelphia, Pa.]

On January 24 of this year the President recommended to Congress the spending of $100,000,000 over a period of 20 years on what he called "the orderly development of national resources", together with the establishment of a permanent National Re-

sources Board. The President especially referred to "what men and women are doing with their occupations, and to their mistakes in herding themselves together. Does this not sound like Russia's 5-year plan, where each man and woman must work and live according to the edict of the dictator?

The recent election of Mrs. William A. Becker, of Summit, N. J., as president of the Daughters of the American Revolution, is well worthy of comment. This is a direct rebuke to the radical element that has been striving for control of this national patriotic group.

In Mr. Herbert Hoover's recent message to the California Republican Assembly he voiced the opinion of all loyal American citizens. It was a fighting message. It opposed the newly created plan of regimentation and bureaucratic domination with a perfected system of orderly individual liberty under constitutionally conducted Government. It repudiated the economy of scarcity conception and appeals for economy based upon plentitude. Space does not permit a reprint of this notable message of Mr. Hoover's which clearly defines the issues. His argument merits the thoughtful attention of all minute men and women.

The Supreme Court should be removed from domination of the White House and Congress. The recent threat of Senator THOMAS of Oklahoma, who declared "If decisions of the Court are unfavorable to the administration, a motion for reargument would be made and before it could be heard new judges would be appointed to the Court, thus assuring a decision favorable to the administration. Many rights and guarantees which we thought were secured to us by the Constitution are being violated today. This is done on the theory that restrictions of the Constitution should be disregarded in emergencies. The acceptance of this doctrine would amount to abolition of the Constitution. It is in time of storm that the protection of the Constitution is most needed.

The Supreme Court is not really independent of Congress and the President. Through some strange oversight at the time the Constitution was adopted, the number of judges of this Court was not fixed and their appellate jurisdiction was not definitely set down. The number of judges can be increased by Congress and partisans of the administration can be appointed. On the other hand, Congress can deprive the Court of much of its jurisdiction if it chooses to do so. It might even forbid the Court to pass upon the constitutionality of acts of Congress. Minute men and women should be ever alert as guardians af our Constitution.

The United States of America holds the dubious honor of having more than one-half of the world's unemployed. A recent survey calculates the jobless of all countries as 22,200,000, of which this country of ours claims 11,390,000. This doesn't sound well for the N. R. A.

Some more of the President's planned economy goes into the proposed banking bill. It is all political and gives the President's hand-picked board of governors the right to accept or reject an application for any loan they see fit. This absolutely places the control of the finances and credit of the Nation in the hands of the administration and would sew up any industry or business that was not in favor. Banks would function as depositories only.

The principles of destruction used by the Government of Soviet Russia are being copied by the A. A. A. In Russia the farmer has no property rights, where some 5,000,000 of these farmers were deprived of their products at the point of bayonet and without compensation, starved to death last year. In the United States our Government so far has not used the bayonet, but harvest campaigns have been put on in selected groups through taxation, regulation, supervision, and political management quite as effective. The sound of the Government sickle as it mows down industry can be heard throughout the length and breadth of the land. The joys of the reapers and the tears of the sowers are mingled together in the harvest campaign which is now in full swing in this glorious country of ours.

[The Minute Man, Apr. 1, 1935, Philadelphia, Pa.]

Receipts and disbursements of the Federal Government for the year 1935:

Total receipts (computed)	$3,123,000,000
Operation and maintenance of regular departments and establishments	1,235,000,000
Veterans pensions and benefits	610,000,000
Interest on national debt	835,000,000
Tax refunds	68,000,000
Total regular expenditures	2,748,000,000
Recovery and relief:	
Agricultural Adjustment Administration:	
Processing taxes	589,000,000
Expenditures	788,000,000
Other recovery and relief	4,472,000,000
Total recovery and relief	5,260,000,000
Debt retirements	573,000,000
Total expenditures	8,581,000,000
Total receipts	3,712,000,000
Gross deficit	4,869,000,000

The $4,000,000,000 set out in the work-relief bill does not appear in the above figures. The national debt is well over the $30,000,000,000 mark, and the administration is spending around $7 for every $3 it takes in.

Inflation always starts when expenditures exceed the income. A further devaluation of the dollar can be expected, with higher prices for commodities.

One hundred million people want to buy merchandise. Unemployment, low wages, high prices, and the shrinkage of the dollar make this impossible. Minimum wages and maximum hours will never set the small business man and manufacturer on his feet, which is so necessary to a permanent recovery. The N. R. A. in any form is restrictive to business and destructive to our established form of government.

The new-deal administration is not anxious to have the Supreme Court make a ruling on the constitutionality of the N. R. A.

The work-relief bill, with its $4,880,000,000 appropriation, the spending of which is entirely turned over to the discretion of the President, has passed both the Senate and House in a form suitable to the White House. Its final enactment will only be a matter of a few days. The bill contains many drastic and un-American provisions. It grants the President the right of eminent domain, which is the right to confiscate property, both personal and real. It grants him the power to imprison for 2 years and to fine $5,000 any person who would in any way obstruct any of his so-called "plans for recovery." This could mean the elimination of free speech and a free press. Such things are destructive to the rights and liberties of a free people.

The utility holding companies bill looks like a sure passage, with some modification. In any form it is destructive to invested capital.

The Federal Reserve System is to be reorganized in a bill now pending which will virtually create a central bank. This is dangerous to the credit of individuals and industry not in accord with the administration.

The "pink slip" repeal has passed both Houses and is now in conference committee, with final passage assured.

The House Military Affairs Committee has before it a bill to end the use of the National Guard in all labor disputes except where governors of States first obtain permission from the War Department. You should immediately protest this measure by writing your representatives in Congress.

The European situation is much more serious than what appears upon the surface. It is well that our Government keep out of any alliances at this time. It is good policy to prepare to prevent any invasion, both from without and within.

Are you doing your part as a minute man?

Organize a Minute Man Club in your neighborhood. We'll assist in every way and furnish all details. Write or call for information.

[Seventy-six League, Philadelphia, Pa.]

Every American citizen who believes in the Declaration of Independence, which gave birth to the Constitution of the United States of America, should become a member of the Seventy-six League, the minute men and women of today.

The league was organized October 15, 1934, by a small group of just plain ordinary citizens, who had a firm belief in Americanism, and has since enjoyed a steady and healthy growth.

The league is strictly nonpolitical and nonpartisan. Its real objective is to defend and uphold the Constitution and the freedom of our country, to promote Americanism wherever necessary, and to carry on a national educational campaign toward the elimination of radicals.

Organizations with radical aims and purposes are springing up in all parts of these United States. Our political structure has become tainted through the workings of those who wish to destroy. Industry and business have set up groups that are harmful to the welfare of the people. All of which is un-American and not conforming to the standard and principle of American Government. There is no denying that there is a real peril at our door. Are we in a position to shut out this peril? The answer will be found in proper organization, for there still exists in America a majority of loyal citizens. The Seventy-six League invites these loyal citizens to become minute men and women every citizen, man or woman, in the shop, in the field, in the mill, in the office, in the business world, in the home, or any walk of life who wishes to continue the freedom guaranteed by our Constitution must awaken to their responsibilities. The burden cannot be borne by just a few, but all loyal citizens must enlist in this great American movement and do their part.

The league is governed by an executive committee chosen from the membership in the districts in which they reside. The executive committee will be divided into two separate divisions, namely, administrative and advisory. The administrative committee will be composed of not more than 12 active members. The advisory committee will be composed of not more than 48, selected from the membership in the various States having a membership of 100 or more. Through the advisory committee State, county, and local units will be formed, with each unit having representation on the State committee.

The league stands for just and sane legislation, so long as it does not conflict with the Constitution. It does not advocate, nor does it suggest, any wild and fantastical ideas and plans of government, believing that, if Government followed the Constitution, and that the rights of the people and business were not abridged that recovery would be swift and sure.

The league believes that certain evils of a business nature have taken root in our economic structure during the past years, and that these evils should be eliminated. However, such matters will naturally come to pass as time progresses, and providing that the league receives the support of the loyal citizens. Radicalism, crooked politicians, and business crooks must be wiped out. Fantastical legislation must be repealed and the just and sane laws rigidly enforced.

The menace to democracy lies to a greate extent in the subversive theories and destructive doctrines of native-born citizens high in the councils of American Government who have already planted the seed of communism and discontent in millions of our citizens for their own selfish purposes. It is the work of the Seventy-six League, through the minute men and women, to counteract this great harm and to bring back these millions into the fold of Americanism.

There are no fees, dues, or assesments to a membership in the Seventy-six League. The league depends upon the liberality of those who are able to make contributions.

Through the educational division of the league we sell a beautifully framed copy of the Declaration of Independence, size 14 by 17 inches, for the exceptionally low price of $3. This should be hanging upon the wall of every home, office, and factory. It is the emblem of freedom and liberty of America.

We also issue in pamphlet form a combination of the Declaration of Independence and the Constitution. This embodies a complete transcript of these two famous documents. Everyone should know the contents; it gives a better understanding as to why we are a Nation of laws and not of men. The price is only 50 cents.

Either one will be sent to any address within the United States by parcel post prepaid upon receipt of the price.

We mean to stand upon the Constitution, we need no other platform, we shall know but one country. No man can suffer too much, and no man can fall too soon if he suffer or if he fall in the defense of the liberties and constitution of his country. Become a minute man or woman today.

SENATOR FROM WEST VIRGINIA

Mr. AUSTIN obtained the floor.

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

The VICE PRESIDENT. The clerk will call the roll.

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

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

Mr. ROBINSON. I announce that the Senator from Illinois [Mr. LEWIS], the Senator from Idaho [Mr. POPE], and the Senator from North Carolina [Mr. REYNOLDS] are unavoidably detained from the Senate, and that the Senator from Utah [Mr. THOMAS] is detained on important public business.

Mr. AUSTIN. I announce that the Senator from New Jersey [Mr. BARBOUR] and the Senator from Wyoming [Mr. CAREY] are necessarily absent.

The PRESIDENT pro tempore. Eighty-eight Senators having answered to their names, a quorum is present.

The question is on agreeing to the resolution of the Senator from Delaware [Mr. HASTINGS] in the nature of a substitute for the resolution of the Senator from Georgia [Mr. GEORGE].

The resolution of Mr. HASTINGS in the nature of a substitute for the resolution submitted by Mr. GEORGE (S. Res. 155) is as follows:

Resolved, That the election of Rush D. Holt to be a Senator of the United States was void, he not having attained the age of 30 years at the commencement of the term for which he was elected.

Mr. AUSTIN. Mr. President, I desire to submit a few remarks in support of the views of the minority and in support of the resolution in the nature of a substitute offered by the Senator from Delaware [Mr. HASTINGS] for the resolution of the Senator from Georgia [Mr. GEORGE]. At the outset I express the opinion that there is not a member of the committee which considered the evidence who is not interested in the young people of the United States and who has not an earnest desire to have them take an interest in public affairs and to assume just as much of the responsibility and burden of government as they are able to bear.

More specifically, let me say that in this case Mr. Holt, who appeared before the committee, made an excellent impression, and that he presented his case with ability, frankness, and candor. I will not occupy the time of the Senate longer in this connection than to read a brief extract from his testimony, proving beyond question the honesty and the frankness of Mr. Holt both before the committee and before the people of the State of West Virginia in his campaign. I do not offer this merely as a compliment; I offer it because I consider it of probative force on the question pending before the Senate. I now read from page 20 of the hearings:

Senator KING. Let me ask you a question.

Mr. HOLT. Yes, sir.

Senator KING. Since the matter of your age was the subject of controversy, did you in any of your addresses state that you were only 29 years of age, but you believed that under the Clay case and the Shields case, in view of the precedents established in those cases, you would be eligible? Was that the position you took?

Mr. HOLT. The position I took was this: That I was 29; and according to the precedents in four cases I was eligible, because they were all four definitely in my favor and none against me. Particularly in the Clay and Mason cases, they were both seated under the age of 30.

All through my speeches, I want to tell the committee, without a single exception, in every speech I made in West Virginia, in every county with the exception of two, I told every audience, without exception, that I was 29, and that Henry Clay was seated under that age.

Senator KING. You rather capitalized upon your age?

Mr. HOLT. I admit I was glad to raise the question.

Mr. President, that is important in the matter before us because it clears from this case any element of personal bias or prejudice; it clears from this case any element of fraud in the election; it makes plain to the Senate exactly what the candidate meant and what the voters of West Virginia meant when they voted in support of the candidate upon that representation. It is also important because of the law. If the voters realized that the election of a candidate only 29 years of age would create a vacancy in the United States Senate and, for any period of time, however short, would change the composition of the United States Senate, then the problem before the Senate today would be whether the election was valid or void. If they had willfully, with full knowledge, undertaken to flaunt the Constitution of the United States with respect to the composition of the Senate and, with respect to the prohibition in the Constitution, "Thou shalt not", then under the law we, as a Senate, would be bound to hold that the votes so cast were void for fraud.

For the sake of the record I refer to the case of *People ex rel. Furman* v. *Clute* (50 New York 451), which, I think, expresses this principle quite well:

We think that the rule is this: The existence of the fact which disqualifies, and of the law which makes that fact operate to disqualify, must be brought home so closely and so clearly to the knowledge or notice of the elector, as that to give his vote therewith indicates an intent to waste it. The knowledge must be such, or the notice so brought home, as to imply a willfulness in acting, when action is in opposition to the natural impulse to save the vote and make it effectual. He must act so in defiance of both the law and the fact, and so in opposition to his own better knowledge, that he has no right to complain of the loss of his franchise, the exercise of which he has wantonly misapplied.

That refers to the votes. I need comment no further upon that point. The atmosphere is clear of extraneous issues, and we come right down to the close question of whether there is a date under the Constitution when a Senator's term of office begins, a date fixed by unchangeable law, fixed by the Constitution of a great country, and made unchangeable by being expressly excluded from the usual right of amendment granted in article V of that Constitution.

Considering that question, what do we find? The CONGRESSIONAL RECORD of the Senate of January 3, 1935, at page

4, where the credentials of Senators-elect were laid before the Senate by the Vice President, and ordered to be placed on file and to be printed in the RECORD, shows the following:

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 6th day of November 1934 RUSH DEW HOLT was duly chosen by the qualified electors of the State of West Virginia a Senator from said State to represent said State in the Senate of the United States for the term of 6 years beginning on the 3d day of January 1935.

Witness: His Excellency our Governor, H. G. Kump, and our seal, hereto affixed, at Charleston, this 3d day of December, A. D. 1934.

H. G. KUMP, *Governor.*

By the Governor:
[SEAL]

WM. G. O'BRIEN,
Secretary of State.

Mr. President, there was nothing in that certificate which was not strictly according to the facts. There was nothing in that certificate which was not strictly in accordance with the votes of the electorate of West Virginia. The voters of West Virginia acted upon the representation made in every speech, and in every county save two in West Virginia, that the person named in that certificate would be seated in the United States Senate on the 3d day of January 1935. That is the effect of the representation that "I told every audience without exception that I was 29 and that Henry Clay was seated under that age."

In other words, West Virginia as a State never assented to the proposition that a person elected Senator from West Virginia should have the power to postpone the beginning of his term. West Virginia acted on the belief, and it must be thought here that the candidate also believed it, that because of the precedents this certificate of the title to the office would enable their Senator-elect to be sworn in and to take his seat on January 3, 1935.

In passing, it ought to be stated that this cannot be regarded as a waiver by West Virginia of the last clause of article V of the Constitution, which provides that the Constitution may be amended in all particulars save one—"that no State, without its consent, shall be deprived of its equal suffrage in the Senate."

No one can justly argue that the election in West Virginia on that representation was such a consent as article V requires. In the first place, article V relates to an amendment of the Constitution. It does not relate to an evasion of the Constitution; and this vote, if it were to be interpreted as consent, is consent to nothing more than an evasion of the terms of the Constitution. So we, as a minority, claim that upon no view of the problem does the vote of West Virginia amount to a consent that West Virginia should be deprived of her representation in the United States Senate for 1 day, but, on the contrary, it proves that West Virginia consented alone that she should be represented by a young man, a man of 29, believing that because he would become 30 during the term he was entitled, under the precedents, to take his oath and seat at the beginning of the term.

Mr. HATCH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from New Mexico?

Mr. AUSTIN. I do.

Mr. HATCH. Does the Senator consider it important whether or not the people of West Virginia did so consent?

Mr. AUSTIN. In this regard, Mr. President, is it important: In the record appears the following claim by Mr. HOLT, found on page 19 of the record:

> Can anyone doubt but that the State of West Virginia did give such consent in the general election held last November by the very powerful and sovereign expression of the State, the will of the people?

It answers that question raised by Mr. HOLT.

Mr. HATCH. Of course, I consider it important always to know the will of the people, and that the will of the people should prevail if it is possible for that to be done; but I was thinking, as the Senator was speaking, of the remark concerning the question in one of the debates—I think in the Shields debate, by Senator Webster—when he said that if the people of the State did consent it would make no difference to him; even if every citizen of the State appeared in person before the Senate, they could not waive the Constitution.

Mr. AUSTIN. Mr. President, I thank the Senator for that reminder. I believe the Senator is correct. I believe Daniel Webster was correct in that statement; and, for one, I am ready to stand upon the principle that no State may change the composition of the Senate by its consent alone; that the Senate may not change the composition of the Senate by agreement with a State; and certainly and finally, as I see it, so far as this case is concerned, no individual may change the composition of the Senate by act or word.

Now where do we find ourselves? The certificate of election having been filed on January 3, certain memorials were presented to the Senate. The memorials recited the facts which are well known to the Senate, and then demanded judgment of the only tribunal which has authority to pass judgment upon the state of facts set forth, the United States Senate. The memorialists asked the United States Senate to declare a vacancy existing in the office of a Senator from West Virginia; all this before Mr. HOLT arrived at the age of 30 years. I ask Senators, can any lapse of time, can any act of Members of the Senate or of the Senate as a body, alter the situation when judgment was demanded of the Senate? If they cannot do so, then we are right in the contention that before Mr. HOLT became of the age of 30 years, at a time when apparently everybody who has discussed this matter pro and con admits he was ineligible to a seat in the Senate, the issue was formed, and the Senate in this case, as it did in the Shields case, and as it did in the Gallatin case, had the solemn duty to perform of passing upon that issue with respect to what the Constitution required; not with respect to what might be expedient or good policy, and entirely unaffected by any extraneous emotion or desire to add to this body a fine young man who would be able to contribute a great service to his country.

The minority view this problem purely on the scientific basis of what is necessary to preserve the Government of the United States, for we are dealing here not merely with the question of one man's position in that Government, but we are dealing here with a fundamental, a great branch of the Government, the legislative branch, which, under the Constitution, must consist of a House of Representatives and of a Senate the composition of which is prescribed, and the composition of which cannot be changed for a day save by certain solemn acts.

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

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Indiana?

Mr. AUSTIN. I yield.

Mr. MINTON. Do I understand correctly the Senator from Vermont to say that the composition of the body of the Senate cannot be changed even with the consent of the State affected?

Mr. AUSTIN. Mr. President, the Senator from Vermont did not mean to say that. This is what I intended: The composition of the Senate stands in a position different from that of any other feature of the frame of Government as laid down in the Constitution. I need not go into the history of it; it is too well known how jealous the States were regarding their representation in the Congress. It is also well known how important it seemed to them that this Union of theirs should be an indissoluble Union, and that this Government should be indestructible so far as any act within the Constitution is concerned, and that to destroy it or to take from its frame in any way it was necessary to have certain formal acts prescribed in article V of the Constitution. Article V provides a way to change this Government, but it says that when it is undertaken to change the composition of the United States Senate something more must be done than is done with respect to any other part of the Government. There must be at some time—and my notion is that it must precede the action of Congress—assent expressed by the State or States whose suffrage in the Senate is to be changed.

I cannot conceive of that expression meaning something less than a formal expression by the State of equal solemnity to that which is required for any other amendment of the Constitution. Therefore, I believe that such assent or consent of the State must be by and through its legislature, or

by and through a convention called to make the expression thereof.

That is one step. The next step, of course, is the usual one for amending the Constitution—a two-thirds vote of both Houses of the Congress recommending it, and an adoption of it by three-fourths of the several States in order to ratify and make the change. That being done, the composition of the Senate can be changed.

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

The PRESIDENT pro tempore. Does the Senator from Vermont further yield to the Senator from Indiana?

Mr. AUSTIN. Yes; I yield.

Mr. MINTON. Does not the Senator think that a State which, with full knowledge of all the facts, acts or fails to act in a fashion which would change its representation in the Senate, may thereby consent to a change in its representation in this body?

Mr. AUSTIN. Not without an amendment of the Constitution. That is my position.

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

Mr. AUSTIN. Yes.

Mr. BULKLEY. I am inclined to agree with the Senator's proposition that a State's legal right to representation in the Senate cannot be changed without very formal action; but, of course, the Senator is familiar with the fact that, as a matter of practice, there have been many vacancies in the Senate, some of them existing for a long time. Is it possible that the Senator contends that a State may not permit a vacancy to exist, or that an individual having been elected to represent a State may not defer entering upon his duties here?

Mr. AUSTIN. Mr. President, I do not make that claim.

Mr. BULKLEY. Then will the Senator develop that position and reconcile it with the well-known fact, for example, that as late as January 1932 we swore in the Senator from Louisiana, whose term had begun on March 4, 1931, and who voluntarily refused to come here until January 1932, and yet no objection was made?

Mr. AUSTIN. Mr. President, the fact that there have been many cases where the Constitution was not conformed to does not set a precedent to be followed in a case where the issue is raised as it is here. That does not count, it seems to me, as any precedent at all, save in this respect, that if we were about to change the Constitution, and there had been followed in our Government a policy or there had grown up a practice outside of the Constitution which seemed to be a good one, then it would be worthy of consideration; but, as I view it, our duty here is not one based upon policy; our duty is to pass upon the legal question; and that is all we are considering.

Mr. BULKLEY. Mr. President, if the Senator will permit, the point I am making is that it is well-established practice that a person having been elected to the Senate may for any reason of his own defer the time at which he takes his office, and no objection has ever been made. That an objection might not be made if he should unreasonably delay I do not say, but I do say that persons elected have delayed for over a year with no objection ever having been raised, and the precedent is well established.

Mr. AUSTIN. Mr. President, admitting that to be true, it does not affect the question before us, because in this case we have this vital difference—that memorialists of West Virginia have raised the question, and therefore it is put up to us to pass upon it, and we must do it; we cannot evade it.

I do not at all criticize anyone for holding views in opposition to mine about this matter, and I want it to be understood that my remarks have no edge to them whatever of that character. I am really interested in nothing more than having the record show clearly our position as the minority on the legal question.

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

Mr. AUSTIN. I yield.

Mr. TYDINGS. I have been following the Senator's argument, but it does not seem in this respect to be sound, if I may make that observation, in that we have no obligation under the Constitution unless someone files a memorial here. In other words, if no memorial had been filed, the Senator says, by inference, that Mr. HOLT would now be a full-fledged Senator from West Virginia, notwithstanding the fact that he is arguing that the election was void from the time it took place. Certainly those two observations can not be reconciled.

Mr. AUSTIN. No; they cannot, and I do not think that inference can be drawn from my position. I have never admitted that because there were precedents where men came in after the beginning of their terms, and did not come until then, they were therefore Senators in the meantime. I have never admitted that.

Mr. TYDINGS. The Senator will, I think, concede, if I may interrupt him further, that if the memorialists from West Virginia had not filed the objections, according to his argument, in the probable course of events Mr. HOLT would now be a Senator. If there had been no objections filed Mr. HOLT would now be a Senator. Is that correct?

Mr. AUSTIN. Let us see.

Mr. TYDINGS. If that be correct, then we would seat a man who the Senator contends never was elected.

Mr. AUSTIN. Mr. President, I hardly consent to that. The many instances which I understand the Senator from Ohio to cite were not instances where there was a disqualification under the Constitution.

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

Mr. AUSTIN. I yield.

Mr. TYDINGS. I follow the Senator's argument. I do not say that I agree with it, but I can see its consistency, up to the point where the Senator says we get into this controversy because a memorial was filed by certain citizens of West Virginia, and therefore, as they have raised the point, we must now pass on it irrespective of what took place in other cases where memorialists did not make their appearance. By inference the Senator says that if people in West Virginia had not filed this memorial or protest, the Senator from West Virginia would in all likelihood have been sworn in yesterday, and would now be a full-fledged Senator. Yet we are debating the question here that in the election held on the 6th of last November, according to the Senator's point of view, for which I can see there is much sound ground, Mr. HOLT was not in fact elected because he was ineligible then, and cannot take his seat. But if these memorialists had not come in, according to the inference to be drawn from the Senator's argument, as I take it, Mr. HOLT already would have been a Senator today, notwithstanding the fact that his election was void.

Mr. STEIWER. Mr. President, will the Senator from Vermont yield?

Mr. AUSTIN. Let me first answer the question. As I understand my own position, it is that no precedent can be set up to guide our thought in this matter by mere inaction. That is my point. Here we have action. Here we have an issue raised by the filing of the credentials—at the beginning of the term according to the twentieth amendment—and the protest of the memorialists, thereupon the taking of the testimony, thereupon the filing of these reports, and we are now debating a matter as of the issue raised, are we not? I cannot conceive of having a case made new every day by the lapse of time or by events, self-serving or otherwise, which occur subsequent thereto.

Now I yield to the Senator from Oregon.

Mr. STEIWER. Mr. President, the Senator from Maryland suggested that he draws a certain inference from the argument presented by the Senator from Vermont, and then, having drawn that inference, he points out an apparent inconsistency in the Senator's position.

I also was endeavoring to follow the Senator from Vermont, and I draw a contrary inference, and because the inference which I draw is different from that drawn by the Senator from Maryland I do not regard the argument as inconsistent.

It seems to me that the question which the Senator is discussing and the presentation which he has made in behalf of it are leading very close to the real question involved

in this case. I think no Senator will claim that the Constitution unequivocally defines the time at which the age qualification must exist. In the absence of an unequivocal and specific definition in the Constitution, of course, construction is necessary.

It would seem to me that the suggestion made by the Senator from Vermont leads us directly to the question whether that construction should be based upon political expediency or parliamentary strategy or whether it should be based upon the meaning and purpose of the Constitution itself. To me it is utterly inconceivable that the framers of the Constitution intended that a Senator-elect should be permitted to determine whether or not there was a vacancy, and should be permitted to determine whether or not his election was void, all by the wisdom or sagacity with which he proceeded; that is to say, that one lacking the age qualification could determine that his election was not void and that his seat was not vacant merely by waiting for time to answer the requirements as to age.

Certainly this question ought not to be determined by the sagacity of the man elected; it ought to be determined by the construction which the Senate is bound to place upon the Constitution of the United States, and if that construction is as indicated by the Senator from Vermont, of course the qualification of the Senator-elect to be a Senator cannot depend on whether he is wise enough to remain quiet and in retirement until after age qualification has been attained by lapse of time. I am impressed that it is better in every way that there be a construction of paragraph 3, section 3, of article I that fixes the beginning of the term as the time when the age qualification must be established and that the paragraph is susceptible of this construction. Otherwise there is no definite and binding rule, and no voter will ever know whether a youthful candidate is qualified for service in this body. The seating of Mr. HOLT suggests no public advantage sufficient to compensate for this condition of uncertainty. I favor the substitute resolution denying Mr. HOLT his seat, upon the ground that at the beginning of his term he lacked the constitutional age qualification and therefore could not assume his seat. A vacancy results and should be declared by the Senate. The election was void, not because the age qualification applies on election day, but because Mr. HOLT could not qualify at the time contemplated by the Constitution. This view is consistent with the precedents cited. I thank the Senator from Vermont for permitting this interruption.

Mr. AUSTIN. Mr. President, I agree with what the Senator from Oregon has just so ably expressed; and if I shall not become diverted from my line of thought, I will come to the precise question which he points as looming up before us.

Mr. STEIWER. Permit me to say to the Senator that neither the Senator from Maryland nor the Senator from Oregon was endeavoring to divert the Senator from Vermont from his line of thought.

Mr. AUSTIN. I understand that. On the question of the passage of time having anything to do with this matter, we do not have to follow our own imperfect reasoning. We have interpretation of this particular clause of the Constitution to guide us. We have the Senates of years ago telling us about it, and how they viewed it. That is the value of the Shields case. It makes very little difference to me, in dealing with this question, whether we call it a precedent or not; it makes very little difference to me whether the Senate went beyond the issue, beyond what was necessary to be decided in adopting the resolution which they adopted, and the several resolutions preceding the final one; the important thing to my mind is that after full and thorough debate the Senate of that time enunciated the principle that lapse of time cannot change the constitutional requirement. That was the meat of the Shields case.

There was offered in the Senate a resolution to postpone action until sufficient time had elapsed, and then to have the Senate consider the matter after the defect of time in the title had been cured, and the Senate voted not to allow that continuance or postponement to take place on the grounds stated in the debate; that it could not change the facts; that the facts were unchangeable. The disqualification having existed at the beginning of the term of General Shields, nothing which could be done afterward could change or remedy that disqualification; so they refused to allow the postponement of consideration of the case then pending; they refused to allow General Shields to resign. That whole matter has been argued, and I will not reargue it.

In this connection let me call attention to how closely they considered the principles of that case to apply to a case such as the present one. I read Mr. Underwood's remarks from page 9 of the Reply of Memorialists to brief and argument of the respondent.

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

Mr. AUSTIN. I yield.

Mr. WALSH. The Supreme Court of Massachusetts held in a certain case that the people could not vote for a dead man. The man who received the largest number of votes was dead on election day. I inquire from the Senator whether it is his opinion that the people can vote for a man who, under the Constitution, is ineligible.

Mr. AUSTIN. Mr. President, I answer the Senator that they can. I do not wish to answer without qualification.

Mr. GEORGE. Mr. President, I should think not.

Mr. AUSTIN. I wish to finish the answer. They can; but whether their vote shall count or not depends upon whether they did it willfully, knowingly, and in defiance of the law and the facts. Of course, in the case of a dead man, there is the practical difficulty that when they vote for a man and afterward discover that he is a dead man, it is an ineffectual thing. If there is no fraud connected with it, that is another matter. I realize that there are cases to the contrary. However, I wish to say that I do not consider that the person who received a minority of votes in such an election was elected. I cannot see it that way. In order to have such person elected the votes cast for the dead man would have to have been fraudulent votes, and the election declared fraudulent. In such case I think there woud have to be a new election. That is my view of it.

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

Mr. AUSTIN. I yield.

Mr. NORRIS. I am moved to ask this question because the Senator has referred to electing a dead man. I think such a case has actually occurred. I have not thought of it in connection with this discussion, but I believe several years ago that actually occurred in the State of Wisconsin, where for some State office—I do not now remember what it was, not having thought of it for years—a dead man was actually elected, those voting for him knowing he was dead when they elected him. He died at a time when it was too late to place the name of anyone else on the ballot. The people elected him, and then, of course, there was a vacancy, because there was no one to take the office. However, no one claimed, as I understand, that the man receiving the next greatest number of votes was elected, or that the votes cast for the dead man should not be counted.

Mr. AUSTIN. Mr. President, that is my view. I think there must be fraud in order to have such votes cast out as ineffectual, in which event, if all of them were disregarded and rejected, certainly the other man would have the majority of votes.

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

Mr. AUSTIN. I yield.

Mr. HATCH. I ask this question to see if I correctly understand the rule about which the discussion is proceeding at this time. I have understood that in a case where the voters cast their votes for a person who is ineligible—without going into any fine distinctions as to what constitutes ineligibility, let us say he is ineligible—if they do so knowing his ineligibility, the English rule is that the opponent is elected. The American rule is that under such circumstances the opponent is not elected. However, those ineligible votes do not amount to anything. There is simply no election; and no one is elected in the case where the voters know the candidate is ineligible. Is that correct?

Mr. AUSTIN. I do not know whether it is correct or not, but I agree with the statement of the Senator. The hold-

ing which is my authority largely for that position is one which I am about to read. I have great reliance on this particular expression, coming from People against Clute, to which I previously referred:

He must act—

Meaning the voter—

He must act so in defiance of both the law and the fact, and so in opposition to his own better knowledge, that he has no right to complain of the loss of his franchise, the exercise of which he has wantonly misapplied.

Mr. HATCH. Does that case hold that under such circumstances the opponent is elected? Is that an American case?

Mr. AUSTIN. No; this case held the other way. It is an American case.

Mr. HATCH. That is the American rule. Under it the opponent in such event is not considered elected.

Mr. AUSTIN. Yes; I believe that to be so.

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

Mr. AUSTIN. I yield.

Mr. STEIWER. Merely in the interest of accuracy, I wish to observe that even under the American rule the votes cast for the ineligible candidate do mean something. The Senator from New Mexico [Mr. HATCH], as I understood him, asserted that they meant nothing. In one sense that is true, but I think, under the very great weight of authority, they are given effect to the extent that they spell the defeat of the opposition candidate, and I think the Senator from New Mexico did not speak accurately the thought which was in his mind.

Mr. HATCH. Yes; Mr. President, the Senator from Oregon is correct in that respect, I am sure.

Mr. AUSTIN. Mr. President, speaking of the Shields case, in whatever light it is taken, we of the minority give consideration to the debate as bearing upon the reasoning which should be applied to the instant case, and in that debate I think we see a reference directly to our present situation. This is from Mr. Underwood, page 9 of the Reply of Memorialists.

Now let us reason about this matter: Let us look at the Constitution. The Constitution says that unless an individual has been 9 years a citizen of the United States he cannot be a Senator of the United States. And that is not the only prohibition.

Evidently the author here omitted something from the quotation, but I continue the quotation:

Suppose then, you elect a man who is under 30 years of age, is not the election void?

They debated that question, and, as Senators all know, they decided that that was not necessarily so; that the time to which the prohibition should be applied is not the date of the election, but the date of the beginning of his term.

I care not whether that is called a precedent; it makes no difference what it is called; it was the action of the United States Senate upon a similar state of facts, and it is the reasoning of these men which I think is of help to us in our own reasoning here.

The question has been raised here whether the Shields case followed or diverged from the Gallatin case, and the claim has been made that the Gallatin case and the Shields case differ in principle. I cannot see that. As I read those two cases they stand upon the same principle which we of the minority assert in this case. In both the Gallatin case and the Shields case the candidate was not a citizen of 9 years' standing at either the date of the election or the date of the beginning of his term. In that respect they were identical.

The resolution in the Gallatin case did not specify whether the disqualification was at the beginning of the term or at the date of election. Let me call attention to the wording of the Gallatin resolution:

Resolved, That the election of Albert Gallatin to be a Senator of the United States was void, he not having been a citizen of the United States the term of years required as a qualification to be a Senator of the United States.

That is all there is to that resolution. Therefore it cannot be said that it was decided that he was not a Senator because at the date of his election the time required to qualify him as a citizen had not elapsed. The resolution can be taken to apply either way, because either way the same principle applies.

However, how did the Senate look upon it in the Shields case? The Gallatin case must have meant a great deal to the Senate, because there were on the senatorial committee such men as Oliver Ellsworth, who had been not only a member of the Constitutional Convention which wrote these articles but also a member of the convention which framed the Articles of Confederation. On that committee were men who probably possessed the most scientific knowledge of the principles of government of any men in the country, and they were currently acquainted with the very instrument which they were interpreting.

In 1849 the Senators who were passing on the Shields case looked back to the Gallatin case, as we look back to it now. I have heard it argued here by those who, I think, do not know these facts, that the Shields case did not follow the Gallatin case and that the Gallatin case was not a precedent for the Shields case. Now, let us look into the record briefly on that point. We find Senator Butler, in the debate on the Shields case, saying this:

I dissent, then, so far as I am concerned, from the report of the committee; and I do so by virtue of precedents in my own State and the case of Mr. Gallatin.

And that is only one straw upon the surface of the stream of history. Going back to the Congressional Globe and turning to the remarks of George Mason, the chairman of that special committee, we find in discussing the Shields case and the value given to the Gallatin case, his saying this on the Senate floor—I am reading from the Congressional Globe, page 334, date of March 13, 1849:

I believe I am correct in saying that the committee in the course of their deliberations took as their guide the case of Mr. Gallatin, as it is set out in the Journal of the Senate. The case of Mr. Gallatin substantially was this—

Then he proceeds to state what the case was.

So, Mr. President, whether or not you call them precedents or expressions of principle, when the Senate in the Shields case added the words "at the commencement of the term for which he was elected", the Senate did so holding the same view as was held by that great Senate of the early days as to the construction of our Constitution. Their views should be the voice of wisdom to us; the fact that they spoke with venerable accent gives more rather than less weight to them, and in passing upon this question we ought to consider ourselves blessed by having the opinions of such great men as these to guide us and help us in our own reasoning.

Now I read, concluding my argument in that respect, the resolution in the Shields case:

Resolved, That the election of James Shields to be a Senator of the United States was void, he not having been a citizen of the United States for the term of years required as a qualification to be a Senator of the United States at the commencement of the term for which he was elected.

So, Mr. President, if you wish to call that a precedent, that and the Shields case are the only precedents in the Senate upon the issue now before us; and if we are going to do what it seems apparent to me we are about to do, we ought to do it in the spirit of the Senator from Wisconsin [Mr. DUFFY], who comes right out and says, "I recognize the voice of former Congresses interpreting the Constitution in a certain way, but I am for reversing that interpretation." That places us right where we belong.

Thus we arrive at the conclusion—and with this observation I desire to close my remarks—that these cases fix the time when the constitutional provision and prohibition must be applied to be at the commencement of the term of a Senator-elect. The twentieth amendment fixes that date to be the 3d day of January, in this case, 1935. So it seems to me, Mr. President, that if we were to vote down the substitute offered by the Senator from Delaware [Mr. HASTINGS] and adopt the original resolution submitted by the Senator from Georgia [Mr. GEORGE], we would, in effect, be resolving—

That Rush D. Holt is entitled to his seat in the United States Senate as a Senator from the State of West Virginia, it appearing

that he was 30 years of age at the time when he presented himself to the Senate to take the oath and to assume the duties of the office; and—

Now I am adding what follows—

and regardless of the fact that he was not eligible under the provisions of the Constitution of the United States to assume the duties of the office of United States Senator on the day that the term for which he was elected began, or to serve the full term for which he was elected.

If we can do that in conscience and according to our sense of duty and responsibility, it is not my intent to judge of any man for doing so; he does it on his view of the Constitution and his interpretation of it; but by making that addition to the resolution I mean to point out how absurd it appears to the minority to take that position in view of the utter inability of any man, of any State, or the Senate itself, to change the composition of the United States Senate and the absolute knowledge we have that the Senate, as is the Government of the United States, is indestructible by any act within the Constitution, and the only way to destroy it or to break it down is by going outside the Constitution.

Mr. President, for these reasons, as well as those expressed in the very able written views submitted by the Senator from California [Mr. JOHNSON], in which I concur, and those set forth in the minority views signed by the Senator from Delaware [Mr. HASTINGS], the Senator from Iowa [Mr. DICKINSON] and myself, I believe that the resolution offered by the Senator from Delaware as a substitute for the original resolution should be adopted.

Mr. HASTINGS obtained the floor.

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

Mr. HASTINGS. I yield.

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

The PRESIDENT pro tempore. The clerk will call the roll.

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

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

The PRESIDING OFFICER (Mr. NEELY in the chair). Eighty-eight Senators having answered to their names, a quorum is present.

Mr. HASTINGS. Mr. President, I shall take but little of the time of the Senate to discuss the pending question. I had supposed originally the well-known Gallatin and Shields cases were applicable to this case and that they practically determined the matter. From my point of view, it was impossible to distinguish those cases from the case now before the Senate. As the hearings developed and as the committee considered the question, a decided difference of opinion became very evident.

It was interesting to me in that connection to review the address of the Senator from Nevada [Mr. PITTMAN] delivered to the Senate in the early part of December 1931, at which time he submitted a resolution to the Senate concerning the appointment and seating of the present senior Senator from New Jersey [Mr. BARBOUR] to fill the vacancy created by the death of Senator Morrow. Under some provision of the statute of New Jersey it was necessary for a vacancy to exist before that appointment could be made. The Senator from Nevada submitted to the Senate at that time a resolution, the effect of which was to declare that a person elected, and who was qualified to take the office at the beginning of his term, became a Senator at the beginning of that term and did not have to wait until he took the oath of office.

An investigation of the facts in this case caused me to reach the conclusion that the adoption of that resolution at that time would have been conclusive in the present case, and I think it is admitted by those presenting the majority report in this case that if it had been determined that a person became a Senator at the beginning of his term, and not when he took the oath of office, that would determine this matter against Mr. Holt.

That particular resolution unfortunately was not acted upon by the Senate, but was referred to the Committee on the Judiciary. The subject of the resolution, the present senior Senator from New Jersey, was admitted as a Senator and took the oath of office, and during the time he filled out the unexpired term of Mr. Morrow the question involved in the resolution was not determined, and has not as yet been determined.

In the views of the minority, however, we have pointed out that the determination of this question determines the question involved in the Pittman resolution, and it determines it in what might be called the negative. That is, if we seat Mr. Holt and adopt the resolution submitted by the Senator from Georgia [Mr. GEORGE], we definitely determine that a man does not become a United States Senator until he takes the oath of office.

I shall try to avoid repeating the argument which has been made here. There are some things in the report to which I desire to call attention, and there is one thing not in the minority report, which I discovered since its preparation, which I think in all fairness I should bring to the attention of the Senate. I do that particularly because I want to be fair to the Senate and because I want a record which is accurate as nearly as possible.

In the minority report we have laid particular stress upon the fact that the Senate construed the Constitution in this respect by enacting a law in 1883 to the effect that when a Senator presents his credentials to the Senate he is entitled to be placed upon the pay roll and thereafter to receive his pay. The argument contended for by the minority is that that was a construction of the Constitution, a construction and a determination of the question raised by the Senator from Nevada [Mr. PITTMAN] in the resolution to which I have referred, namely, that it would be inconsistent and would be a wrong assumption that the Congress would enact a law placing a person on the pay roll as a Member of the Senate if it be a fact that he is not a Member of the Senate and does not become a Member of the Senate until he takes the oath of office.

The first act I knew anything about was passed in 1883. The terms of it are found in the minority report. We called attention to the fact that after the twentieth amendment to the Constitution became effective a new act was passed by the Congress in June 1934 in language a little different but to the same effect. It is based upon the fact that salaries of Senators begin and are paid from the beginning of their terms rather than from the time they take the oath of office.

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

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

Mr. HASTINGS. I yield.

Mr. GEORGE. Does it not in all fairness demonstrate that a special act was necessary in order to enable a Senator to get his salary?

Mr. HASTINGS. I shall answer that in a moment.

Mr. GEORGE. If it will not divert the Senator, let me ask him another question. The resolution to which the Senator has referred, in the matter of the Senator from New Jersey, was not approved by the Senate, was it?

Mr. HASTINGS. That is true.

Mr. GEORGE. I should like to have that appear in the RECORD.

Mr. HASTINGS. I have already stated that if that resolution had been approved it would, in my judgment, have been determinative of the pending matter.

Mr. GEORGE. I think that is very clearly inferrable from the Senator's remarks, but the Senator referred to it as a resolution, which might carry the inference that it was adopted by the Senate.

On the other point, let me ask if a Senator is a Senator in the full sense from the date of the commencement of his term of office, why was it necessary to pass the act to which the Senator refers authorizing the disbursing officer of the Senate to pay his salary, inasmuch as the salary of Senators, of course, is fixed by law?

In the second place, let me ask the Senator, even if the Congress desired to pay salary to a Senator from the beginning of his term of office or from the date of his election, might it not be within the constitutional power of the Senate to do that, irrespective of when he actually became a Senator?

Mr. HASTINGS. Yes; I think so.

Mr. GEORGE. I wanted to make that clear.

Mr. HASTINGS. The Senator may desire to ask me some further question when I invite his attention to another statute, about which I did not know at the time the minority report was prepared. As I stated awhile ago, I want to make certain that the record is accurate and complete, and for that reason I shall give to the Senate, although it may be used against the argument I make, the benefit of this additional statute.

Mr. MINTON. Mr. President——

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

Mr. HASTINGS. I yield.

Mr. MINTON. Do I correctly understand the Senator from Delaware to say that a Senator becomes a Senator on the date when his term begins?

Mr. HASTINGS. If he is otherwise qualified. I repeat that at the time I prepared this report as far back as I had gone was 1883. There was an act in 1934 and an act in 1883; but I was curious to know why the act of 1883 was passed, and yesterday morning I made some further inquiry, and I found that under date of March 29, 1867, the following is found in the statutes:

> Each Senator, Member of House of Representatives, and Delegate in Congress, after having taken and subscribed the required oath, shall be entitled to receive his compensation at the end of each month at the rate now established by law.

Mr. President, I repeat that if that statute had been known to any of us we should have included it in the report made by the minority and commented upon it.

Mr. GEORGE. Mr. President, of course, it is very proper for the Senator from Delaware to call directly the attention of the Senate to that statute; but I beg to differ from the Senator when he assumes that we should have put it in the report. We might have, but not necessarily, because the view the minority take of the matter is——

Mr. HASTINGS. I do not mean the majority report; I referred to the minority report.

Mr. GEORGE. I beg the Senator's pardon.

Mr. HASTINGS. I point out that, in order to be frank with the Senate, it would have been our duty, if we had discovered that statute, to have put it in also, because I was very greatly impressed with the fact that the Congress had passed these two acts putting Senators upon the pay roll at the beginning of their term upon the presentation of credentials that were regular in form; and it seemed to me it was inconceivable that the Congress would pass an act placing on the pay roll persons who were not at the time Members of Congress and paying them the salary of the Members of the Congress.

As I say, I think this act of 1869 takes away some of the effect of the argument we have made, at least upon my part; but I call to the attention of the Senate this fact with respect to the act of 1869: It may very well have been, and undoubtedly was, the policy of the Congress at that time to see to it that every man appeared at the bar of the Senate and took the oath as soon as possible after his term began; and I suggest that perhaps as a punishment for the Senator who did not come early he was not permitted to draw his pay. Perhaps that was what was in the mind of the Congress at the time they passed that act, rather than that persons were not Members of the Congress until they took their oaths. It is the one explanation which I make, and it seems to me it is not entirely unreasonable.

But, regardless of what may be said with respect to that, I call attention to this theory which I have with respect to the matter, and I particularly invite the attention of the junior Senator from Kentucky [Mr. LOGAN] to it. My understanding is that the title to an office, if it is an elective office, is created when the election is over and the election officers have determined, in the way the statute provides, that a particular person has been elected to the office. If it be an appointive office, when the appointment is made the title vests in the particular appointee. In the case of an elective office, the credentials are necessary before there is evidence of the election. In the case of an appointment, the commission is necessary in order that there may be the evidence of the appointment.

We have in one case an elective office, and in the other case an appointive office. All that is left to make the title complete in the particular person is that there be some evidence of his acceptance of the office. If a man is elected, he may decline the credentials. If a man is appointed, he may decline the commission. That act of itself is sufficient to show that he has declined the particular office. If it be the case of a United States Senator elected in 1934, whose term begins January 3, 1935, when he is elected and receives his credentials, or if they are not delivered to him, when they are sent to the Secretary of the Senate of the United States, if that is done with his approval, and his name is placed upon the pay roll, and he appoints his clerks just like a Senator who is elected and who is undoubtedly qualified, the only question about his acceptance of the office has passed, because those things of themselves show that he has accepted the office; and he thereby, if he is otherwise qualified, becomes a Senator of the United States. If it is an appointive office, and he evidences his acceptance in any way, by accepting the commission or otherwise, he becomes the person entitled to that office.

I heard the remarks yesterday and read the RECORD this morning with respect to what the junior Senator from Kentucky [Mr. LOGAN] said with respect to that matter; and I wish to call his attention to a fact in that connection. I first read what the distinguished junior Senator from Kentucky said, after the Senator from Texas [Mr. CONNALLY] had yielded to him:

> Mr. LOGAN. I desire to say to the Senator that the argument he is advancing is entirely fallacious. The certificate of election which Mr. HOLT held was only an evidence of title. The title to the office was in nubibus.
>
> Mr. CONNALLY. Where? [Laughter.]
>
> Mr. LOGAN. In the clouds. If he had presented that title here and it had vested in him in January, when he was ineligible to receive it, then his right to hold the office would have depended on the title which he had when it was vested in him; but he did not present it then. He did not present it until he was eligible to have the title vested in him.
>
> So clearly he is entitled to receive the office at this time, and that is the distinction between this and the other cases which have been cited here. That is the reason why the Senator from Arkansas is absolutely right when he says that if he had presented the credentials in January, when they could not have vested title in him because he was ineligible, he would have been out. But now he is 30 years of age, and he presents the credentials, and when he presents the credentials the title vests, and he is never a Senator until the title does vest, and when he asks that it vest in him, he is eligible to receive the title.
>
> If the Senator can answer that or overturn that suggestion, he will overturn the great body of the law that has been in existence and which constitutes the jurisprudence of the United States on nearly all questions similar to this. It is a question of when the title vests, when it ripens.
>
> When the credentials are tendered here there is a color of title, as it were. He holds the office, but under a mere color of title. Now the question is, Is he eligible to receive the title when he asks that it be vested in him? I have stated the reasons which have led me to support the report of the majority of the committee.

Then I called attention to the fact that the credentials had been presented; and the Senator from Kentucky replied:

> The title did not vest. He was not sworn. The title cannot vest until he takes the oath of office; then the title vests. The question is whether or not he is eligible when the title vests in him.

I think the Senator from Kentucky has stated the case accurately, but has reached the wrong conclusion. As I say, I think the title is in the Senator when he is elected, assuming that——

Mr. LONG. Mr. President——

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

Mr. HASTINGS. I do.

Mr. LONG. Does the Senator now mean to say that he thinks the title is in a man when he is elected?

Mr. HASTINGS. The title immediately vests.

Mr. LONG. Then the Senator does not pay much attention to the courts, for they have held the other way.

Mr. HASTINGS. No; not on the question of title. The Senator is mistaken in that respect—not that he has to be qualified at that time, but the title vests when he is elected, assuming that he is eligible to take the office at the time his term begins. The title having been vested, he receives his credentials, which are evidence of it. The only other act is taking the oath, which is taking possession of the office.

Mr. LONG. If the Senator will pardon me again, as I understand, the Senator is dividing the man's senatorial capacity into compartments. One is, he has a title. Another is, he has a right. Another is, he has an oath. Another is, he has a senatorship. As I understand, the Senator proceeds by degrees; but my understanding of the courts' decisions has been that a man has no title, he has no claim, he has nothing, until he has been accepted and accredited by this body.

Mr. HASTINGS. Very well, Mr. President. Now, let me read from Mechem on "Public Offices and Officers" just a paragraph, at section 253, under the title "Qualifying for the Office."

SEC. 253. In general: The person elected or appointed to a public office is usually required by law, before entering upon the performance of his duties, to do some act by which he shall signify his acceptance of the office and his undertaking to execute the trust confided in him. This act is ordinarily termed "qualification."

The next section reads:

What constitutes qualification? This act generally consists of the taking and often of subscribing and filing of an official oath, and, in many cases, of the giving of an official bond in such a penalty and with such sureties as the law prescribes.

SEC. 255. Oath not indispensable: But although the law usually requires the taking of an oath, it is not indispensable. It is, as has been said, but a mere incident to the office and constitutes no part of the office itself.

A North Carolina case is cited, which I examined, and which seems to me to thoroughly justify the statement made.

I assume and my judgment is, that the principles I have laid down are sound, and I want to inquire for just a few moments as to the position in which Mr. HOLT finds himself with respect to that matter if my argument be sound.

He was elected in November 1934 for a term to begin January 3, 1935. He received a majority of the votes and, therefore, was entitled to the office if he had all of the qualifications for the office. When January 3, 1935, arrived the time had come when, under the Constitution, the successor of the man who had occupied the place up to that time should have begun his term, at noon on the 3d day of January.

It is admitted that on the 3d day of January, although Mr. HOLT had been elected, he did not have the title to the office because he did not have the qualifications for the office. Then may I inquire what happened to the title to the office? He did not have it on the 3d of January, or on the 3d of February, or of March, or April, or May, or June, but he waited until the 19th day of June. Where has the title to the particular office been in the meantime? Can he have a title to the office on the face of it and reach the time when the test of his qualifications for the office must be met, and merely because it was not determined by the Senate at that time, merely because the Senate did not say at that time, "Your title is defective because you have not these qualifications", can we, as the Senator from Kentucky says, leave the title somewhere up in the clouds, and draw it down from the clouds again, and make a good title out of something which has been dead for 5½ months?

The only reasonable conclusion we can possibly reach is that if the examination had been made by a body such as this body, which had to pass upon the case, at that time, or at any other time, and it had been found that the title at that time was defective, a good title could not possibly have been made out of it by waiting 5½ months.

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

Mr. HASTINGS. I yield.

Mr. BULKLEY. Did I understand the Senator to say that in the case of an appointment to the Senate to fill a vacancy the title vests at the time of the appointment?

Mr. HASTINGS. Undoubtedly.

Mr. BULKLEY. Then how can the Senator reconcile what he has just said with the case which occurred when the senior Senator from Virginia [Mr. GLASS] was appointed to the Senate, he at that time occupying the office of Secretary of the Treasury, which was inconsistent constitutionally with his being a Senator, and he continued to occupy that office for some months, until he got ready to come here and qualify, and then he was qualified without question?

Mr. HASTINGS. Of course, at that time he could not have held the two offices, and he could not be qualified for both offices under the Constitution. That is undoubtedly true. That was not true, however, with respect to the Governors to whom the Senator from Louisiana referred.

Mr. BULKLEY. So long as the Senator contends that title by appointment vests as soon as the appointment is made, the case is not different.

Mr. HASTINGS. That is true.

Mr. BULKLEY. We might as well meet it as if it were an election and the term had begun.

Mr. HASTINGS. That is true.

Mr. BULKLEY. Clearly he would not be qualified to come here and take the office while he was Secretary of the Treasury. Clearly, then, the title must be held in suspense until he does come here. How can the Senator reconcile that plain matter of history, about which we all know, with the theory he is expounding?

Mr. HASTINGS. I reconcile it on the same basis on which I reconcile the Henry Clay case; it was because the point was not raised. But nobody will contend that he could have held the office as Senator while he was occupying the office of Secretary of the Treasury, under the Constitution.

Mr. BULKLEY. Of course not, and he was not a Senator at that time.

Mr. HASTINGS. That particular point would not have been raised, because it could so easily have been corrected if it had been raised. Undoubtedly he would not have undertaken to draw his salary as Senator, and he could not have drawn his salary under the circumstances. All anyone had to do, if he wanted to, was to object, but it was not necessary to do that, because he could have gotten another appointment the same day the objection was raised. All this time he was capable of taking his seat in the United States Senate at any time he gave up the other office. I did not know about the case.

Mr. BULKLEY. There is no difficulty about the practice. The difficulty I have is that I understood the Senator to contend that it was not possible so to hold the title in suspense.

Mr. HASTINGS. Of course, that is true. Of course, it cannot be held in suspense, and it could not have been held in suspense in the case cited any more than it can in the case before us.

Mr. BULKLEY. I only say that he did it.

Mr. HASTINGS. Many things are done, such as that which has been done here. The title to the office in this case has been held in suspense, and no one has done anything about it.

Mr. BULKLEY. Of course, that is just what we are contending, that it has been held in suspense until such time as the claimant is qualified to serve.

Mr. HASTINGS. The Senator and I do not agree about holding the title to an office in suspense. I think it cannot

be done in any such fashion. Particularly is that true when the man who was appointed in the first place was not qualified to take the office. Of course, if he could have qualified the very minute when he received it, he could have handed in his resignation from the other office, and he could have qualified here.

Before I leave that point, I wish to refer to the question of the Governors, which has been mentioned. Of course, the Senate had nothing to do with that. Holding office as Governor of Louisiana, for instance, and being a Senator of the United States from Louisiana, so far as the Constitution is concerned, are things with which the Senate has nothing to do. That is only a matter of local laws, and that is true of many local laws. In many instances local laws do not permit any such thing. That is entirely up to them. That is not a thing for the Senate to be concerned about.

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

Mr. HASTINGS. I yield.

Mr. MINTON. Using the Senator's own view of it, would it not be possible that the title to the office might vest, but the enjoyment of it might be held in suspense?

Mr. HASTINGS. I think, as I have undertaken to say, that the title to the office is one thing, the possession of the office is another thing. Therefore, one might wait for the possession of his office, which is taking the oath of office, but in the meantime, if he is otherwise qualified, he is a Senator.

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

Mr. HASTINGS. I yield.

Mr. GEORGE. I wanted to ask the Senator's attention to what I believe on reflection he will concede to be an erroneous statement. The Governor of a State who is in office and who is elected to the Senate of the United States is not precluded from taking office here because of any local law. He is precluded upon the broad doctrine of incompatibility of duties and responsibilities. So that under practically all our cases, the Governor of a State, having been elected to the Senate of the United States, would not be permitted to take his seat here until he divested himself of the other and incompatible office.

Mr. HASTINGS. May I inquire of the Senator from Georgia whether there is anything in the Constitution about that?

Mr. GEORGE. Not in the Constitution, but I thought the Senator's reference to local law meant only reference to the law of Louisiana.

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

Mr. GEORGE. But it is a general principle, it has been ruled by the Supreme Court of the United States as well as by the State courts, and it rests upon the incompatibility of the duties and responsibilities of the office.

Mr. HASTINGS. Of course, Mr. President, the constitutions of most States with which I am familiar provide that no Member of the Congress may hold any office of profit within the particular States. The practice has been—and nobody has complained about it—that if a Governor wishes to fill out a few months of his term, although he has been elected to the Senate in the meantime, out of all sense of decency he does not undertake to take his office here, but when he comes to the Senate with his credentials and ready to take the oath, he has given up his office as Governor, and, of course, there is no question for the Senate, and no question raised in respect to the matter.

Mr. MINTON. Mr. President, will the Senator yield again?

Mr. HASTINGS. I yield.

Mr. MINTON. Would the Senator consider that at the beginning of the senatorial term for which the Governor was elected he possessed the qualifications to become a Senator?

Mr. HASTINGS. That he possessed the qualifications?

Mr. MINTON. Yes.

Mr. HASTINGS. From the constitutional standpoint he possessed the qualifications.

Mr. MINTON. He must possess them at the time his term as Senator begins?

Mr. HASTINGS. That is true.

Mr. MINTON. Not when he comes here to qualify.

Mr. HASTINGS. That is true. The possession of the qualifications at the time his term begins is the test.

Mr. MINTON. Then if we should adopt the resolution proposed by the Senator from Delaware, it could never happen again that a Governor could be elected Senator, and serve out his term as Governor, and then come here and qualify after his senatorial term began. If we were to adopt the Senator's resolution, we should prevent any Governor in the future serving out his term as Governor after his term as Senator began, and then coming here and qualifying as a Senator.

Mr. HASTINGS. Not by any means. The resolution which I have offered as a substitute is based upon the fact that at the time his term began, Mr. HOLT was not qualified to take this office. If the Governor of West Virginia had been elected—assuming that he was 30 years old and otherwise qualified, which I think is a fair assumption—if he had been elected, and had not come here until June 19, no question at all could possibly be raised with respect to it by the Senate. I might qualify that statement to this extent: If the Senate should find that someone had been elected to the office of Senator who arbitrarily refuses the office, it could, of course, if it so desired, declare the seat vacant, and that would end the matter so far as that particular person was concerned. However, that is something which never has been done, and is not likely to be done unless on some extraordinary occasion.

Mr. MINTON. Does the Senator think that a Governor who has been elected Senator, but who had not served out his term as Governor, could come here and be sworn in as Senator and also continue to serve as Governor?

Mr. HASTINGS. When he presented himself here, so far as the constitutional requirements are concerned, he would fulfill them; and, so far as I know, it would be no business of the Senate further to inquire into the subject.

Mr. MINTON. Then the Senator would hold that the question of the incompatibility of the offices was no concern of the Senate?

Mr. HASTINGS. To be perfectly frank about the matter, I had not considered that feature of it. That also might be a very different question, and a very serious question. The fact that no one has ever undertaken to do it—I suppose probably no decent person would try to do it—makes it an unimportant thing to try to determine.

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

Mr. HASTINGS. I yield.

Mr. GEORGE. It may not have any direct bearing upon the issues in this case, but it certainly would be within the power of the Senate to say to anyone who was holding an office which was incompatible with the duties of the office of Senator, "Your holding of that office is an election to decline to accept the office of Senator"; and if the office of one who is elected to the Senate is an office under the United States—getting entirely away from the doctrine of incompatibility, and coming back to the Constitution—it certainly is true that the Senate would have the power to say that continuance in the office under the United States is an election to decline, or abandon the office of Senator.

Mr. HASTINGS. In the latter case to which the Senator refers, it would not only be the right but I think it would be the duty of the Senate to exclude the man.

Mr. GEORGE. I may call the Senator's attention to the fact that the House of Representatives acted upon precisely that state of facts in the case of one who was elected to the House, who was also the holder of an office in the Army of the United States. The House resolved that the office which he held in the Army was an office under the United States, and his continuance in that office was an abandonment of the congressional seat to which he had been elected. I have no doubt that the Senate can act in the same way, even in the case of a State office, which is in fact incompatible with the office of Senator.

Mr. HASTINGS. Of course, Mr. President, if the Senate desires to do so, it can act wholly arbitrarily and do exactly what it pleases with respect to any Member of the Senate, without rime or reason, because the Constitution gives it such authority. It is not assumed that the Senate will do any improper thing, but the assumption is that it will do only those things which, under the Constitution, the conscience of its own Members impels it to do.

Mr. President, yesterday I called attention to this provision in the Constitution when the Senator from Texas was delivering an address to the Senate:

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time.

The Senator from Texas [Mr. CONNALLY] was not impressed with my interruption, and the Senator from Ohio [Mr. BULKLEY] made some comments to the effect that when the framers of the Constitution desired to fix a thing definitely they said so, and clearly intimated that in his judgment this provision of the Constitution had nothing to do with the subject under discussion.

It may not have a very direct bearing upon the subject, but I call to the attention of the Senate the fact that the language is "during the time for which he was elected." Is there any possible excuse for applying that provision of the Constitution to Mr. HOLT, for instance, if it be true that he is not a Member of the Senate until he takes his oath?

Why should he be interested, and why should he be put in the class of Senators and Representatives, and, during the time for which he was elected, prohibited from doing certain things. If the framers of the Constitution were writing this provision in the Constitution for some particular purpose, I should like to know why it did not take care of a case such as this, where it is admitted that Mr. HOLT has not done anything in the Senate since January 3, has not qualified during the term, and could not qualify if he desired to do so.

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

Mr. HASTINGS. I yield.

Mr. BULKLEY. Of course the purpose of the constitutional provision to which the Senator is now alluding was to prevent any Member of the Senate during the time he was elected Senator from obtaining the advantage of an increase in pay which was voted to any other officer, so as to remove, I presume, the inducement to vote for increase in pay in some other office, and then go out and get appointed to it, and derive the advantage of such increase in pay. I suppose what was in contemplation there was appointment to office subsequent to service in the Senate, and not prior to service in the Senate. However, I can conceive that the same reason against it would apply with respect to a man's accepting any office of profit under the United States before he qualified as a Senator.

The point, however, which I intended to make to the Senator was that while, as he agrees, it is very doubtful whether that language has any direct bearing on the point we have been discussing, it does have the bearing that where the framers of the Constitution really intended that their prohibition should extend to the whole term for which anyone was elected they knew how to say so, and proved that they knew how to say so; but with respect to the provision we are discussing they did not say any such thing. They said:

No person shall be a Senator who shall not—

So-and-so.

Mr. HASTINGS. Of course the Senator from Ohio will recognize that this provision as to a man being appointed to a civil office during the time for which he was elected Senator undoubtedly would also apply to a man who was appointed to the Senate, rather than being elected, and who served but a short time. However, in the case of an appointment to the Senate, it would apply only to the time he served. In the present case this language will apply to Mr. HOLT; and, although he does not take office until 5½ months after his term begins and could not take office during that time, here is a provision of the Constitution which applies to him, without any reason appearing for its applicability, it seems to me, unless it was intended by the Constitution that a man should be a Senator from time his term began; that he had the title to his office from that time; that all he needed to do was to take the oath and qualify and take possession of the office.

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

Mr. HASTINGS. I yield.

Mr. BULKLEY. Of course, the prohibition applies only to an office the emoluments of which are increased or an office which has been created during the time for which the Senator was elected. I really see no relevancy there. It is not contended that Mr. HOLT has accepted or has intended to accept any such office.

Mr. HASTINGS. Let me call the attention of the Senator from Ohio to another point. Let us look at the provision of the rule of the Senate with respect to the oath which shall be taken:

The oaths or affirmations required by the Constitution and prescribed by law shall be taken and subscribed by each Senator.

As I understand the theory of those joining in the majority report is that a man is not a Senator until he takes the oath. However, our own rule provides:

The oaths or affirmations required by the Constitution and prescribed by law shall be taken and subscribed by each Senator.

It ought to have said "by each person elected to be a Senator" if it be true that he cannot become a Senator until he has taken the oath of office. That rule of the Senate, of course, has no such binding effect as has the Constitution, but it is supposed to follow the Constitution.

Mr. BULKLEY. Of course, by the same token we contend that that rule means that a man shall not perform any duty and shall not, in effect, be a Senator until he takes the oath.

Mr. HASTINGS. I think if the rule were being rewritten, in view of this argument, the drafters would probably be a little more careful about it.

I should like to inquire, so that we may know definitely, is it the contention of the chairman of the committee and the Senator from Ohio that Mr. HOLT might have been excluded upon the application of any Senator, after the fact had been ascertained at any time between January 3 and June 19, or would the question have to be raised only by the affirmative action of Mr. HOLT in appearing here?

Mr. BULKLEY. I have never examined the question as to whether Mr. HOLT could have been excluded on some Senator's motion. I presume there must be some limit of time, as the Senator himself has well said, beyond which a Senator could not properly refuse to come here and qualify. The Senator well said, in the course of his remarks, that the Senate must have a remedy if a Member-elect arbitrarily refuses to come here; and, if the question had been raised upon that ground, we do not know but that the Senate might have had some remedy. Clearly, we do take the position that if Mr. HOLT had entered the Senate and taken the oath of office we would have been obliged to unseat him under the precedent in the Shields case.

Mr. HASTINGS. I have not made myself entirely clear, or else the Senator from Ohio has not answered my question. What I want to know is this: If, for instance, on January 3, last, I had brought to the attention of the Senate the fact that the Senator-elect from West Virginia was not qualified to take his oath because he lacked 5½ months of the proper age, and I had presented to the Senate the affidavit of someone who knew the fact and proposed a resolution that the seat should be declared vacant, is it the position of the chairman of the committee and others urging the adoption of the resolution proposed by the chairman that such a proceeding would have been in order, and, that being a question of high privilege, the Senate would have been compelled to determine that question then? I will be very frank with the Senator.

Mr. BULKLEY. I will be equally frank. That question was never considered in the committee, to my knowledge, and I have not arrived at any conclusion on it, nor do I think that question is now before us.

Mr. HASTINGS. No; that question is not now before us, but may I call the attention of the Senator to this point, which to my mind is very important? If that should be the decision of the committee or of the Senate, and we could have that question definitely determined, there would not be any great danger in the precedent established in seating Mr. HOLT, because the question then could be raised by any Senator in this body; and if that be true, the Senate would be compelled to decide it, but what distresses some of us is that Mr. HOLT can wait until the 19th day of June before presenting himself and therefore prevent the Senate from acting upon the case. I think it very important that this debate show whether or not that is the position of those representing the majority opinion.

Mr. BULKLEY. I am glad to help the Senator clarify that question so far as it may be clarified. Certainly the committee has not presumed to find that Mr. HOLT had a right to wait so long. The point that we have reported is that having waited so long, and not having been declared ineligible, there is no ground upon which to declare him unqualified at this time, he now having attained the age that is required by the Constitution.

Mr. HASTINGS. Will the Senator from Ohio answer the question from his own point of view? Does the Senator from Ohio think the question might have been raised in the meantime by any Senator and therefore been a proper subject of inquiry by the Senate?

Mr. BULKLEY. Of course, in a broad way, any Senator may raise any question that he thinks desirable to have raised, and I am frank to say to the Senator that I would not be able to answer how I would have voted on that proposition without further study than I have given it. I will say to him, with equal frankness, that had Mr. HOLT presented his credentials and been sworn in on the 3rd of January I would have voted to unseat him.

Mr. NORRIS. Mr. President——

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

Mr. HASTINGS. I yield.

Mr. NORRIS. Following out the line of questioning the Senator has indulged in, suppose, for argument's sake, we admit it either way, that the Senate could have inquired or not have inquired, as it saw fit, what difference would it make? Suppose we make an investigation and find that somebody has been elected to the Senate and has not come here and taken the oath of office, what are we going to do about it?

Mr. HASTINGS. Declare the seat vacant.

Mr. NORRIS. Very well. Suppose we go ahead and declare the seat vacant, that does not fill the seat.

Mr. HASTINGS. But the seat then is in the position of any other seat that is declared to be vacant.

Mr. NORRIS. Exactly; but that does not get us out of the dilemma.

Mr. HASTINGS. We do our part; that is all.

Mr. NORRIS. What do we accomplish by doing our part?

Mr. HASTINGS. We have told the State from which that particular person comes that the seat of that particular person the State sent here is vacant; and if the State wants somebody to represent it, it is up to the State to fill the vacancy.

Mr. NORRIS. Suppose, as has often occurred, the State has elected its Governor to the Senate, and, for one reason or another, he has not presented himself here, and he remains in the office of Governor, as, I think, has happened in some cases, for more than a session of Congress, and does not pay any attention to us, admitting that he is qualified, ought we to declare the seat vacant?

Mr. HASTINGS. No; I do not think so.

Mr. NORRIS. We ought to ignore that situation?

Mr. HASTINGS. I think so.

Mr. NORRIS. But, in the Senator's judgment, if a State elects somebody as to whose qualifications we can find some complaint, then we ought to take it up?

Mr. HASTINGS. The difference—and it is a very great one according to my point of view—is that one is qualified, and, being qualified, the Senate is not particularly concerned because he does not present himself here; but in the other case, where he is not qualified, it becomes, in my judgment, the duty of the Senate to the particular State involved to say that the person they have sent here is not qualified and that a vacancy exists, so that the State may fill that vacancy.

Mr. NORRIS. I do not see how the Senate, if it wants to take such action, and investigate men who do not present themselves here, can accomplish anything by it. If a man, qualified or unqualified, does not present himself here, it seems to me that the Senate is perfectly helpless and that it cannot take any action; it can acquire no jurisdiction until the man presents himself here, whether qualified or not.

Mr. HASTINGS. I was trying to find out exactly what is the sentiment with respect to such a situation; and I particularly inquired of the chairman of the committee and the Senator from Ohio [Mr. BULKLEY], who is interested in it. I am glad, however, to have the Senator from Nebraska state his views with respect to the suggestion. My views are entirely different from his.

Mr. NORRIS. I merely want to get the Senator's viewpoint. His argument may be entirely correct; and I am not seeking to accomplish any particular thing; but I want to know where our duty leads us.

Mr. HASTINGS. I know that.

Mr. NORRIS. What is going to be accomplished by it? It will be conceded, I think, that we cannot compel a State to fill a vacancy.

Mr. HASTINGS. That is true.

Mr. NORRIS. We cannot compel a man who has been elected to come and take the oath of office if he does not want to do so.

Mr. HASTINGS. That is true.

Mr. NORRIS. Then let me get the Senator's idea as to this point: The Constitution provides that a minority of the Senate cannot do business, but can adjourn from day to day and can compel the attendance of absent Senators. Would the Senator now say that under that provision we would have the right to compel someone who had not been sworn in to come here and attend the sessions of the Senate?

Mr. HASTINGS. If there was evidence here by the presentation of his credentials, I should unquestionably say that we had the same right over him that we had over any other Senator.

Mr. NORRIS. Suppose his credentials had not been presented?

Mr. HASTINGS. I have undertaken to state my position as being this: The only way in which he can escape is to present some evidence, or there should be some evidence in existence, indicating that he is not going to accept the office. For instance, suppose a man elected to the office of Senator, even if his credentials had come here, had announced that he was moving to England and going to live there the remainder of his life; I do not know what that particular State could do about that situation, the State having elected him for 6 years could not declare a vacancy. He may have gone, he may be abroad, he may be abroad permanently, and the people of that State, interested in being represented, present to the Senate a memorial calling attention to the fact, which is well known, that the man elected had not accepted the office—and if he had accepted it, being in England, we probably could do nothing about it—and was away. If such a memorial were presented here, I think nobody would doubt that not only would the Senate have the power but it would have the responsibility to declare a vacancy. The Senator from Nebraska asks why; what good would it do? Because the only way by which a State can be represented is after we have declared a vacancy or it may be that the State might assume a vacancy to exist and send a man here; and based upon that we might act.

Mr. NORRIS. Great respect as I have for the Senator's opinion, it seems to me he has presented a case that is very simple. Suppose we had that kind of a case, that a man properly qualified and elected went to England and remained

there, whether he has abandoned the office or whether it should be declared vacant would be a question to be determined by the facts. It would be a question of fact which somebody would have to determine. Ultimately, I concede very frankly, the Senate could do just what the Senator said it ought to do, because, as we know, the Senate is supreme. It can punch a hole in the Constitution if it wants to do so now. In fact, we are acting now just like the Supreme Court; that is, we are supreme. We can break the Constitution all to pieces.

It seems to me this is what would have to be done. The State would first determine the facts. The State would perhaps make an investigation of some kind. The way to bring the question to the Senate and secure final action would be to appoint or elect someone to take the office and let him come here with the credentials. Then we would have the question before the Senate.

Mr. HASTINGS. Undoubtedly we would have the question then before us, but does the Senator from Nebraska think that is the only duty we have with respect to it, and that we have no duty until that is done?

Mr. NORRIS. I do not know of any duty. Much as I think the question ought to be settled by some constitutional provision or some law, I do not see how we have any duty to perform, because there is no way for us to compel a State to act. If the State sends no one here, I do not know what we can do about it.

Mr. HASTINGS. Suppose the Governor of West Virginia had assumed there was a vacancy after it had been definitely determined that Mr. HOLT could not take his seat until June 19, 1935, and had on the 1st day of April sent to the Senate an appointee, someone who was unquestionably qualified, and had done it upon the theory that, because this young man was not of age on that date he could not take his seat, the State of West Virginia ought to be represented by someone who was qualified at that time?

Mr. NORRIS. The Senator presents a very fair question. If I took the Senator's attitude, which I concede he has good reason and logic for taking, and the Senate should take the same attitude, we would receive him. We would say there is a vacancy; not having the qualifications at the beginning of the term, he never can qualify himself; hence it would follow there would be a vacancy. We would have the same question presented that we have now.

Mr. HASTINGS. Not quite the same question, at least from the point of view of the committee. My understanding is that it is admitted by the majority of the committee—I do not know whether the Senator from Nebraska admits it or not—that if this young man had appeared at any time prior to becoming 30 years of age the Senate would have had to reject him.

Mr. NORRIS. Yes; I think that is the position of the committee.

Mr. HASTINGS. Is that the position of the Senator from Nebraska, too?

Mr. NORRIS. Yes; I think so.

Mr. HASTINGS. Mr. President, there is another thing to which I wish to invite attention, and that is the statement of the Senator from Tennessee [Mr. MCKELLAR] yesterday to the effect that because he was in the Philippines on Government business and did not return here until February 7 to take the oath of office he was only a Senator-elect. I should be sorry if I believed that were true. There is nothing in the practice or precedents of the Senate to warrant any such view.

The Senator from Tennessee has been in the Senate since March 4, 1917. He is number 10 or number 11 in seniority in the Senate. Yesterday he placed himself in exactly the same position as other Senators, for instance, the Senator from Illinois [Mr. LEWIS] and several others. He placed himself in exactly the position of those Senators in whose terms of service there was a break.

Mr. BULKLEY. Mr. President——

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

Mr. HASTINGS. I yield.

Mr. BULKLEY. Does the Senator contend that our present courtesy with respect to recognizing seniority within the Senate has any bearing on the constitutional question?

Mr. HASTINGS. Undoubtedly it has. It has been the construction of the Senate of this constitutional provision ever since the practice was begun. The practice of the Senate upon a point like this, upon a doubtful question, is one of the best ways in the world by which we can find out how the Senate construes the Constitution.

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

Mr. HASTINGS. I yield.

Mr. NORRIS. I am not contending that any position we may take will be clear of doubt if we follow it through to its conclusion. I think we will run against a stone wall, no matter which side of the question we take, if we follow it to its conclusion.

In view of the statement of the Senator, suppose a State elects a man who possesses all the qualifications necessary for taking the office of United States Senator. According to the Senator's idea he is a Senator; but suppose he does not present himself; suppose he goes along a year without presenting himself and is not sworn in, and then goes to England and announces publicly that he has gone there and intends to stay there 4 years more. He takes out naturalization papers in Great Britain. Has he been a Senator of the United States during that time?

Mr. HASTINGS. I do not know that it is worth while to try to add any further argument, but I have stated several times that my theory is that when a man is elected to this office and is qualified to take the office at the beginning of his term, he gets with that election a title to the office; he gets his credentials which are the evidence of the title to the office; and the only thing left for him to do is to take the oath of office. I have read an authority, which I think is a good authority, to the effect that taking the oath is merely incidental, its principal purpose being to show that he has accepted the office.

Mr. NORRIS. Will the Senator admit, which I think his answer to my question does admit, that the man who has become a citizen of Canada or of Great Britain or of Germany after he has been legally elected with all the qualifications, but not sworn in, has in fact been a Member of the United States Senate?

Mr. HASTINGS. If he has done all the things necessary except to take the oath of office. I think when he does not appear here, when he goes to Canada or England or some other place and announces he has gone, that rebuts the presumption of his acceptance of the office. The acceptance of the office cannot be full and complete, and the evidence of it cannot be full and complete, until he takes the oath. Until he takes the oath, that evidence of his acceptance can be rebutted. I should say if he went to England and announced that he had taken out citizenship papers there, it would rebut the evidence of his acceptance, and then we would have the question before us.

Mr. NORRIS. It also might be true that when he went to Canada he had no intention of giving up his citizenship; that he intended to come back and be sworn in as a Senator; but when he got over there he liked the country and finally took out citizenship papers and renounced his allegiance to the United States. If the Senator's contention be correct, he would have been a Member of the United States Senate. Does the Senator think if he took the oath of office and came here it would not add to his title? Would it not follow, in the opinion of the Senator, that that would have been the capsheaf which would have made him a Member of the United States Senate?

Mr. HASTINGS. Undoubtedly.

Mr. NORRIS. Any other Senator would be in the same position. If a man is a full-fledged Senator who has never presented himself to the Senate and never taken the oath of office, then that man would be a Member of the United States Senate. I understand that to be the contention of the Senator from Delaware.

Mr. HASTINGS. Let me go back a moment to the Senator from Tennessee [Mr. MCKELLAR], who said he was not

a Senator from January 3 until February 8. Bear in mind that he was elected to succeed himself. His term, under the Constitution, definitely ended at noon on January 3, 1935, and under the provisions of the Constitution the term of his successor began at noon on that very day. With respect to the question of his accepting the office, bear in mind that the Senator from Tennessee was away on official business; he was engaged on business of the Government. According to his own statement, he did not recognize that he was not a Senator until he found he could not be paired here.

To my mind it is unreasonable to say that he did not remain in the Senate of the United States. It is unreasonable to say that under such circumstances he lost his place of seniority, or his pay, or anything. He did not lose anything under those circumstances. He had the title to the office. Nobody else had the title to the office. There was an interval of less than a moment between the time he went out and the time he came in under a new title to an old office which he held, and he carried that on. Certainly all our records show that his term began then, and all of us assume that his term began then; and I think we get ourselves in very great difficulty when we change that practice.

I listened with great interest to the argument made by the Senator from Nevada [Mr. PITTMAN] the first time I ever gave any consideration to the subject, and I thought his conclusion was correct. I am told that there was some talk about the matter in the Judiciary Committee. The distinguished Senator from Nebraska [Mr. NORRIS] may remember it. I was not there; but if we could have decided the question then, when it did not affect any particular individual, and was not complicated by any particular sympathy affecting anybody, I have a notion that that resolution might have been adopted by a substantial majority.

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

Mr. HASTINGS. I yield.

Mr. LONG. Does not the Senator know that that resolution was aimed at the position of Governor which I was occupying in Louisiana at the time?

Mr. HASTINGS. I am frank to say that if that had been known, it might have prejudiced some people; but I did not know it.

Mr. LONG. The Senator from Mississippi so stated on the floor of the Senate at the time.

Mr. HASTINGS. My recollection is that the Senator from Mississippi inquired whether or not it did in any way affect any particular individual.

Mr. LONG. Yes.

Mr. HASTINGS. And the Senator from Nevada disclaimed any such intention.

Mr. LONG. Oh, no!

Mr. HASTINGS. Well, it does not make a bit of difference.

Mr. LONG. Let me ask the Senator one more question; then I shall not interrupt him any more.

Mr. HASTINGS. Very well.

Mr. LONG. The Senator from Nebraska has made me break a little further into the realm of imagination.

Suppose a man who was elected to the United States Senate went to England, and the King took a liking to him, and they put him up as a candidate and elected him to the House of Parliament: Would he still be a Member of the United States Senate and a member of the House of Parliament?

Mr. HASTINGS. I have repeatedly said that whenever a Senator did anything which indicated that he had abandoned his office, that would be the end of it.

Mr. President, that is all I have to say upon this subject.

Mr. LOGAN. Mr. President, I have just a few remarks to make in the nature of a reply to some of the suggestions which have been made by the distinguished Senator from Delaware [Mr. HASTINGS]. I shall take only a few minutes.

When this matter was first presented to the Committee on Privileges and Elections, I was somewhat confused about it. I am frank to confess that I thought perhaps there was a very serious question as to whether Mr. HOLT should be seated; but I have recently been ill, and had not much else to do, so I have read the briefs and some of the precedents, or supposed precedents, and I have reached the conclusion that this is a very simple case, and that there is no room for doubt about what should be done.

I reached that conclusion, I may say, absolutely free from all partisanship. Some of the newspapers have indicated that we were going to overturn the Constitution. I saw an editorial in the Washington Post a day or two ago saying that we were going to overturn the Constitution if we voted to seat Mr. HOLT. The man who wrote that editorial, of course, never read the Constitution, or, if he did, he did not understand it, because no one contends that the Constitution has anything to do with this particular question; at least, I have not heard it.

It was also stated in the same editorial that the precedents established in the past settled the matter. There is not a single precedent to be found anywhere.

It is very unfortunate that loose newspaper talk creates the impression on the minds of the public that this distinguished body has no regard at all for the Constitution. I say, it is exceedingly unfortunate.

Addressing myself for just a moment to the statements made by the Senator from Delaware as to when a person receives title to an office, he read from Mechem on Public Office, I believe, which is a splendid authority, and no one can find any fault with what he read. The only trouble, so far as the Senator from Delaware is concerned, is that the text which he read does not support his conclusions at all.

Election to office or appointment to office does not confer title to the office upon the appointee or the one who has been elected. I believe the Senator from Louisiana [Mr. LONG] was correct when he said that the courts, so far as I know, have uniformly so held.

Let us take the case of a sheriff in a county. He is elected, we will say, in November. He receives his certificate of election. He is required to qualify in January by the execution of a bond and by taking an oath of office. When the time comes he fails to make a bond. He never receives title to the office, because he did not do those things which the law requires he shall do before he shall have title to the office.

So far as the case of a United States Senator is concerned, I cannot see that there is much room for argument about it. I do not care what Senators may have said in the past, or what loose statements may have been made; but I believe all of us must conclude that no man can become a Senator in the Congress of the United States until he has accepted the office, and that he can accept the office only by placing himself in the position required of him by the Constitution of the United States.

What is required of him? No one may be a Senator in the Congress of the United States until he shall be bound by an oath or affirmation that he will support the Constitution of the United States. That is written in the Constitution. We do not have to go to rules which have been adopted by the Senate, neither do we have to go to laws which may have been passed by the Congress. It is written in the Constitution in this language:

> The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution.

Until one who may have been elected to the Senate of the United States is bound by an oath or affirmation to support the Constitution he can never be a Senator, regardless of the courtesies that may be extended to him by law or rules because he is a Senator-elect.

I desire to make a statement which I think is conclusive if anyone will reason about the matter just a little. I convinced myself that my superficial opinion about the matter was wrong, and I did so by giving some consideration to it. Let me make this statement:

No State has to fill the office of Senator, nor can it be compelled to do so; and the failure of a State to elect someone to the office of Senator does not create a vacancy that can be filled by appointment.

I recall that a good many years ago—in fact, I believe it was before I was a voter—we had a very heated contest for United States Senator in Kentucky. I think it was in 1896.

Former Senator Joe C. S. Blackburn had been nominated by the Democrats, and W. Godfrey Hunter had been nominated by the Republicans. At that time a Senator was elected by joint session of the general assembly in Kentucky. There were two or three recalcitrants who could not be brought into line, and the result was that throughout the entire session the balloting continued; and when the 4th of March came, when the Senator should have been elected so that he could take his seat, he was not elected. The balloting continued for some months, and the time came when the legislature was forced to adjourn by reason of a State constitutional provision.

At that time—and I am speaking wholly from memory; I have not looked up the matter since; I do not know what the records show about it, but I do know what happened—the then Governor of the State designated a man, whose name I think was Wood, to fill a supposed vacancy caused by the failure to elect someone before the beginning of the next term. Mr. Wood was never seated. The balloting went on until the next year, in 1897, and then the legislature elected a man to the Senate.

I should like to ask this question of some of the distinguished Senators who disagree with me: Let us suppose that when the legislature was first balloting for the election of a Senator in 1896, during the winter, there had been some young man in the legislature, as there was, who was not 30 years old at the time, but there was no election. The next year, in 1897, he was 30 years of age. Would anyone contend that the General Assembly of Kentucky did not have a right to elect that man, although 1 year of the term had already expired? I think no one will so contend.

Then from this and from other precedents which I am quite sure the records of this body will show, we deduce this statement:

The legislature of a State—and that is true under the Constitution as originally written—fixed its own time, unless Congress might in some way interfere when it would elect a Senator. It could wait a year of a term before it elected a Senator if it so desired, and that was done many times in the old days, when there were the deadlocks in the State legislatures. The legislature could wait a year, the legislature could wait 2 years, and when it did elect, of course, the man took his seat, and the question was not whether he was qualified or not on the first day of the term, but whether he was qualified on the day when he was elected or when he presented his credentials to be sworn. I do not think that can be disputed.

If a State may wait a year, or 2 years, or 3 years, to elect a Senator, can it not elect one before the beginning of a term, with the understanding that it will be five and a half months before the man so elected shall take his seat? It does not seem to me there can be any dispute about that.

Now I wish to say just a word or two about the question of title. I want to make myself clear about that because that is what got me confused in the first place. Those lawyers who have been engaged in the general practice of the law throughout the year know what we mean when we talk about a title. There is color of title. There is offer or tender of title. There are all kinds of titles, but when we get down to the last analysis, title vests only when the man to whom it is offered accepts it in the way the law requires him to accept it.

The State of West Virginia did not have to fill this vacancy, if it was a vacancy—and it was not a vacancy under the rule of the Senate. They could have waited until June, or waited until next year, if they had so desired, to elect a Senator, or they could have elected one, so far as the Constitution is concerned, before the seventeenth amendment, 2 years or 3 years or 4 years before the beginning of the term. There is nothing in the Constitution to prevent that.

We find that when West Virginia elected Mr. HOLT to the Senate in 1934 they gave to him a paper, a certificate of election, and they said to him, "This is evidence of the fact that the voters of the State of West Virginia have selected you." There was no way Mr. HOLT could have become a United States Senator save through the acceptance of that office in the way the Constitution requires, and that is that he must present himself at the bar of the Senate and take the oath of office.

No one contends, of course, that the Constitution says he must do that on the first day of the term. The legislature could have waited until the term was half out if it had so desired. The important thing is that when he does present himself and asks to accept the title in a legal way, he must be eligible to receive the title.

What was the trouble, we will say, with Gallatin or with Shields? They had the evidence of title, they presented it to the Senate, and they allowed the title to vest in them when they were not eligible to receive the title, and because of that the entire validity of the title depended upon their condition at the date and at the time it was vested in them. It could not become good thereafter. The tree must lie as it fell, and if the title was bad when it was vested in them, then when the question was brought before the Senate it follows as a matter of course that the Senate should have held that they had tried to accept the title when not eligible to accept it.

I contend, Mr. President, that when Mr. HOLT waited he had a right to wait. No one had a right to complain except the State of West Virginia. The Senate had no right to complain. The Senate would have no right to complain if the State did not send a Senator here at all. It could do nothing about it. No one except the State of West Virginia could complain, and the State of West Virginia had sent young HOLT here saying, "We know you will not be eligible under the Constitution until the 19th day of June, but as we have the right not to send you at all, or have the right to wait a year or 2 years, we will elect you and send you there, knowing that you will not be 30 years of age until the 19th day of June, when you may accept the title."

The people of West Virginia had a right to do that. There is nothing in the Constitution which prevents it. There has been nothing in the history of the Senate in the way of precedents which prevents it. Unless we change the Constitution, unless we throw the Constitution aside entirely and write into it things which are not there and have never been there, and have never been considered there, we cannot deny Mr. HOLT his seat.

It is said that if he had come here on the 3d day of January and presented his credentials and had been sworn in his title would have been bad. That is very true. He would have committed suicide so far as his life as a Senator is concerned if he had come and presented his credentials, and no one had objected, and he had taken the oath. He would have had a title that could have been attacked at any time, because he would have had a title that could not have been vested in him.

Mr. President, I think that I have said all that I could say. It seems to me the question is very simple, indeed. I do not question the motives of those who disagree with me about this. I think they have failed to go into the matter and to give it that consideration which it really deserves. I believe very earnestly that if some of the able Senators on the other side, whom I have heard argue, should go into the question, and go to the very genesis of it, if they should take the time when they could sit down quietly and have opportunity to think until they had reached a conclusion, I believe they would change from the conclusion which they have assumed at this time, because it is only by a change of position that they would be right, and I know they want to be right.

So far as I am concerned, it will be a very great pleasure to me to cast my vote, if I have the opportunity, for the resolution offered by the Senator from Georgia [Mr. GEORGE] and against the substitute offered by the Senator from Delaware [Mr. HASTINGS].

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

Mr. VANDENBERG. I have not had opportunity heretofore today to announce the absence of my colleague the senior Senator from Michigan [Mr. COUZENS] on account of illness. I ask that the announcement stand for the day.

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

Mr. BULKLEY. Mr. President, the question before us has been so fully debated yesterday and today that I do not consider it necessary to repeat very much of what has been said, and there is very little which can be said without a measure of repetition.

The question we have to determine must be voted upon not with a view to what we think would be a good policy in the matter, but with a view to what we believe the constitutional requirement actually to be.

The distinguished Senator from California [Mr. JOHNSON] has suggested that the majority of the committee is endeavoring by a short-cut to amend the Constitution. With due respect, it seems to me that it is he and not the majority of the committee who seeks an amendment of the Constitution. The Constitution requires certain qualifications as to eligibility with respect to the office of President of the United States. The word "eligibility" is not used in that clause of the Constitution relating to the qualifications for Senator. The Constitution provides, as we have heard many times, simply that no one shall be a Senator until, among other things, he shall have attained to the age of 30 years. So the sole question is, When does one come to be a Senator?

The Senator from California frankly admits that an elected candidate does not become a Senator merely by the commencement of his term of office. Therefore, it seems to me he cannot escape the conclusion that by insisting that the candidate must be qualified as of the beginning of his term of office he is writing into the Constitution that which does not there appear.

The minority opposed to the seating of Mr. HOLT is split in its views on the question of when one becomes a Senator. The Senator from Delaware [Mr. HASTINGS] and the Senator from Vermont [Mr. AUSTIN] take the view that one does become a Senator as of the beginning of his term of office. All I have to say about that proposition is that it is not in accordance with anything that has ever been held by the Senate and is in discord with the accepted precedents under which one Senator after another, subject when elected to disqualifications which would have made it impossible for them to assume the Senatorial office, have come here and been allowed without objection to take the oath after the disqualifications had been removed.

If we should adopt either of the minority views with respect to this matter, we would have to overrule decisions of the United States courts; we would have to overrule precedents of the House of Representatives. Concededly there is no precedent directly in point in the Senate.

The majority of the committee have taken the position that we are prepared to recommend that the resolutions adopted in both the Gallatin and the Shields cases should be overruled, but not the result declaring the claimants ineligible. We contend that the only question before the Senate in any of these cases has been whether the claimant presenting himself was qualified to serve as a Senator.

In the Gallatin case and also in the Shields case the Senate went beyond the simple finding that the claimant was not qualified to serve, and adopted resolutions declaring that the election in each case was void, but for reasons which are not consistent with each other. The resolution adopted in the Gallatin case in its fair meaning holds that the election was void because the claimant did not possess the necessary qualifications as of the time of election. Whether it meant that or not, those who discussed and debated the Shields case, those who voted for the resolution which was adopted in the Shields case, thought it meant that, and intended to amend it, and so it appears they intended to discard the Gallatin precedent and establish a new precedent. The new precedent which they established was correct insofar as it determined General Shields to be not qualified to hold the office at the time he presented himself. We submit that it was not correct in holding that the election was void because he was not qualified as of the time of the beginning of his term of office.

The issue was not very clearly drawn in that debate as between the view that the Constitution related to the time of the commencement of the term or of the time of taking the oath by the claimant, and for a very simple reason. The term began on the 4th of March and the claimant took the oath on the 6th of March, so that for the purpose of determining his qualification to serve, there was no difference between the two points of view. He was disqualified to serve both at the time of the beginning of his term and at the time that he took the oath.

Reference has been made to the opinions expressed by the distinguished Senators who took part in that debate. I shall take but a moment to allude to an opinion expressed in that debate by Senator Butler, of South Carolina, who was one of the leading proponents of the resolution which was finally adopted. Being asked whether it would be possible for General Shields to become eligible by postponing a vote on the proposition until December, when the 9 years' citizenship requirement would have been satisfied, Senator Butler replied:

> My judgment on the subject is, that if General Shields had not taken his seat at all, perhaps at that time he might have claimed it.

In other words, the resolution was not necessarily intended to conclude what would have happened if the facts before the Senate had been what they are here today.

In the case before us today the claimant has not taken his seat while under any constitutional disability, and therefore, according to the opinion of one of the leading proponents of the Shields resolution, he might perhaps be entitled to claim it now, notwithstanding the Shields resolution.

The resolution adopted in the Shields case was that the election—

> Was void, he not having been a citizen of the United States for the term of years required as a qualification to be a Senator of the United States at the commencement of the term for which he was elected.

How long did that resolution stand in those words? It stood only until that very same Senate met again in December of the very same year and passed upon the qualifications of the very same man. I have before me the Congressional Globe showing the proceedings for Monday, December 3, 1849. It there appears as follows:

> Mr. Mangum—

Senator Mangum was one of those who in the debate advocated the adoption of the resolution excluding General Shields in March—

> Mr. Mangum presented the credentials of the Honorable James Shields, of Illinois, elected a Senator by the Legislature of Illinois for the term of 6 years commencing on the 4th day of March, 1849, which were read, and the oath prescribed by law was administered to Mr. Shields, and he took his seat in the Senate.

All of that happened without objection, in the very Senate every Member of which knew that he was not qualified to

serve as at the beginning of the term of office for which he was elected.

Mr. CONNALLY. Mr. President——

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

Mr. BULKLEY. I yield.

Mr. CONNALLY. Had not Senator Shields been reelected?

Mr. BULKLEY. Yes. I am coming to that. However, the point I am stressing is that the resolution which originally excluded General Shields, says that he was not qualified to serve unless he was qualified at the beginning of the term for which he was elected, and that is not true, as the very same Senate found out later on. Qualification to serve depends upon other considerations.

Mr. CONNALLY. I do not desire to interrupt the Senator; but when Senator Shields was reelected in October, I believe it was, when he had attained 9 years' citizenship, while the resolution may have said he was elected for 6 years, he was only elected for the remainder of the 6-year term.

Mr. BULKLEY. Yes; but that is quite contrary to the argument the Senator was making yesterday, that Senators may be elected only for 6 years.

Mr. CONNALLY. Mr. President——

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

Mr. BULKLEY. I yield.

Mr. CONNALLY. I said, except where there is a vacancy. If the Senator will look at my remarks in the RECORD, he will note that I said that Senators had to be elected for a term of 6 years, except in case of vacancies. My contention is that in the case of General Shields there was a vacancy in the office, because he had been unseated; that is, when he was reelected he was simply elected for the unexpired term.

Mr. BULKLEY. The Senator cannot, consistently with his own theory, say that General Shields was reelected, because the first election was held void.

Mr. CONNALLY. Of course it was held void.

Mr. BULKLEY. So he was elected in October, not to fill a vacancy, according to the Senator's theory, but he was then elected in the original instance.

Mr. CONNALLY. Of course, the Senator from Texas does not mean that he was legally elected the first time. I said "reelected", and I meant that in the sense that there was another election.

Mr. BULKLEY. Yes; they had another election. Furthermore, I wish to be quite frank and say to the Senator that when the legislature did elect General Shields in October 1849 they took the precaution to say that they were electing him for the remainder of the term; but, none the less, he was elected for the term that began on the 4th of March, because the legislature cannot change the term; the terms are fixed pursuant to the Constitution itself; and whatever the legislature says, the term, none the less, begins on the 4th day of March. I have read from the Globe exactly what happened; that the credentials were presented for the term beginning on the 4th day of March, when every Member of the Senate at that time knew that General Shields was not qualified to serve as of the beginning of that term.

The point I am emphasizing is that the rule stated in the resolution in the Shields' case is not correct without qualification; and if we should now undertake to follow it without qualification, we would be undertaking to give it a greater force than the very Senate which adopted it gave to it. But when we come to apply it with qualifications, then what result do we have? The same man, having been elected after the completion of the 9 years' requirement as to citizenship, was held qualified to serve, and the Senate admitted him without any question. The October election was for the same term that General Shields had been held not qualified to serve on the ground he had not been naturalized 9 years before its commencement on March 4.

It is in accord with the precedent of the December action of the Senate in the Shields case that we submit that the Senate must now seat the claimant from West Virginia. All argument as to what might have happened had this question been raised in some other form before the present claimant attained the required age is not in point here; it is a mere academic discussion. The question which is before us today is that we have a claimant here presenting himself with perfect credentials from his State, and having attained at this time the age required by the Constitution.

No vote against seating him will have the effect of preventing anyone not presently qualified under the Constitution from serving in this body. We cannot write into the Constitution that a Senator must have been qualified as of the date of the beginning of the term for which he is elected. The precedent which seems to point to such a course was, as I have shown, set aside and disregarded by the very Senate that created it.

So, I repeat, if we are not to give this claimant his seat, we will overturn court decisions, House precedents, and the accepted practice of this body. If we adopt the views of the majority of the committee, we will act in accord with every precedent which has been known or mentioned, except as to the wording of two resolutions, both of which have already been overruled and superseded before we are called upon to act.

I respectfully submit, Mr. President, that we cannot, in good conscience, vote against the seating of the claimant who comes here with proper credentials and with the qualifications required by the Constitution.

Mr. McADOO. Mr. President, I desire to submit a brief observation on this question. The doctrine of stare decisis has no place in the consideration of this question or in controversies of this nature in the Senate. The precedents and the cases which have been discussed have a historic value and are very interesting, but they really have no bearing on this question, because those cases are not analogous to the case now before the bar of the Senate.

The question resolves itself, in my mind, to this: Here is a Senator, duly accredited by the lawful authorities of the sovereign State of West Virginia, seeking to take the oath of office; he is 30 years of age; he is a citizen of the United States, and he is an inhabitant of the State of West Virginia. He complies with every qualification demanded by the Constitution. So, stripped of all argument and all verbiage, how can we escape these pregnant facts? I do not see how anyone can successfully challenge the validity of the election in West Virginia under which this gentleman has received the certificate of the duly constituted authorities of West Virginia; and so long as the commission which he holds cannot be successfully attacked; and so long as the Senator-elect, Mr. HOLT, complies with all the requirements of the Constitution of the United States, he is entitled to his seat as a Senator in this body.

Mr. NEELY. Mr. President, William Pitt, the Great Commoner of Britain, became a member of Parliament when he was only 27 years of age. Soon after he began to discharge his legislative duties, he was vehemently disparaged because of his extreme youth by the able, elderly Sir Robert Walpole. Mr. Pitt in his reply to Mr. Walpole said, among other things:

> The atrocious crime of being a young man, which the honorable gentleman has, with such spirit and decency, charged upon me, I shall neither attempt to palliate nor deny, but content myself with hoping that I may be one of those whose follies cease with their youth, and not of that number who are ignorant in spite of experience.

Never since the day of this famous verbal conflict in the British Parliament has a great national legislative body magnified the offense of being young to the extent that it has been stressed in this Chamber during the last 30 hours.

Let us hope that the distinguished Senator-elect from West Virginia, Mr. HOLT, will, with becoming fortitude, endure the temporary affliction of being young, find much encouragement in the eloquent reply of Mr. Pitt, and a full measure of consolation in the thought that ultimately, pass-

ing time will completely heal the harmless infirmity of which his future colleagues now so vigorously complain.

For 2 days in succession we have witnessed an extraordinary procession of the ghosts of departed greatness. Under such consummate commanders as the Senator from California [Mr. JOHNSON] and the Senator from Texas [Mr. CONNALLY] the specters of Albert Gallatin, General Shields, Daniel Webster, and John C. Calhoun have been marched and countermarched around the Senate Chamber in fascinating and bewildering formations for the purpose of creating an atmosphere in which the present Membership will, regardless of existing circumstances, vote as Senators voted in the long ago.

Precedents a hundred and forty years old, which were bad in the beginning and have become intolerable in the light of the knowledge and necessities of the present age, have been plausibly and eloquently invoked by those who seek to persuade the Senate to deprive Mr. Holt of the seat in this body to which the voters of West Virginia elected him by an overwhelming majority last November.

Some of those who have argued against the seating of Senator HOLT have made themselves more famous by splitting hairs than Abraham Lincoln ever made himself by splitting rails. [Laughter in the galleries.]

The PRESIDING OFFICER (Mr. HATCH in the chair). Permit the Chair to state to the occupants of the galleries that there must be no signs of approval or disapproval. Occupants of the galleries are here as guests of the Senate and will be permitted to remain only so long as they abide by the rules of the Senate.

Mr. NEELY. Mr. President, these ever-recurring, never-ending metaphysical arguments concerning the constitutionality of senatorial action make some of us feel like the hero of the following story, which is told by our famous former colleague, Tom Heflin, of Alabama:

Once upon a time, after a long-continued and disastrous drought, an old colored brother in praying for rain said: "Good Lord, send us a rain. Send us a real rain. Send us a gully-washing rain. Send us a rain that will make the ears of corn grow a foot and a half long, because we are all dead tired of the infernal nubbin-shucking that's been going on in this community." [Laughter.]

Mr. President, we are likewise tired of the constitutional "nubbin-shucking" that has been going on in the Senate.

The opponents of the pending resolution have endeavored to fortify their arguments by again and again asking, in effect: "What does the precedent in the Gallatin case say? What does the precedent in the Shields case say? What did Calhoun say? What did Webster say?" Let me, as one of Mr. Holt's enthusiastic defenders, inquire: "What does justice say? What does common sense say? What does common decency say?" By the oracles of the latter instead of the deliverances of the former will the Senate be governed in its action today.

A year ago, the members of the Democratic Party in West Virginia were called upon to nominate a candidate for election to a seat in this Chamber. They were neither ignorant nor unmindful of the simple, unambiguous language of the Constitution concerning the indispensable qualifications of a United States Senator. They knew that their nominee must eventually withstand the acid test of conforming to the following:

> No person shall be a Senator who shall not have attained to the age of 30 years, and been 9 years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

In these circumstances Mr. HOLT became a candidate for the Democratic nomination for United States Senator against a field full of other distinguished men, including a former United States Senator, a former nominee for Governor of the State, a former Member of the House of Representatives and former Speaker of the West Virginia House of Delegates, and a former Chairman of the Democratic National Committee.

From the day that Mr. HOLT announced his candidacy he was, through the newspapers, by means of the radio, and on the hustings charged with ineligibility on the ground that he was not 30 years of age and would not have attained that age either on the day of the general election or at the beginning of the first session of the Seventy-fourth Congress. The allegation that if Mr. HOLT were nominated and elected he would have to wait until his thirtieth birthday—June 19, 1935—to take his seat was broadcast to the voters of West Virginia times without number. But in spite of the fact that an unparalleled effort was made to defeat this able and deserving young man, he received more than twice as many votes in the primary as were cast for any of his opponents. After Mr. HOLT was nominated, the broadcasting of his alleged ineligibility was continued, envenomed, and increased.

Mr. HOLT from the beginning of his campaign for the nomination to the end of his campaign for election, with praiseworthy candor, informed more than 50 West Virginia audiences which he addressed, face to face, or by means of the radio, that he would not be 30 years of age until the 19th day of June 1935. In at least one radio address, which it was my pleasure to hear, he stated that if he were elected he might not be permitted to take his seat until he had attained the age of 30 years, in which event West Virginia would be deprived of his services as a Senator for a period of about five and a half months. But he happily added that it would be better for West Virginia to be without a Senator such as she desired for 6 months than to be without such a Senator for 6 years.

The voters of West Virginia, with little regard for party ties and less for partisan propaganda, accepted Mr. HOLT on his own terms, waived every alleged infirmity that had been attributed to his youth, confidently reposed their trust in the favorable decision which they believed the Senate would render, and elected Mr. HOLT by a majority which, subject to a single exception, greatly exceeded the majority by which any other Democratic candidate in the State was ever elected to office.

Today West Virginia, through the feeble instrumentality of the speaker, informs the Senate that Mr. HOLT, whom she last November elected to membership in this body by a most decisive majority, has attained the age of 30 years, that he has been a citizen of the United States 9 years and more, and that he was when elected, an inhabitant of the State of West Virginia for which he was chosen.

Inasmuch as no one here or elsewhere has ever denied or questioned a single one of these assertions of eligibility, and since Mr. HOLT's qualifications fulfill the requirements of the Constitution in every particular, West Virginia appeals to this body to ratify the choice which her voters made at the polls by awarding Mr. HOLT his seat in the Senate.

When West Virginia was a part of the Old Dominion State, Patrick Henry, one of Virginia's most eloquent sons, on a memorable occasion said: "Give me liberty or give me death!" The people of West Virginia, in the matters of nominating their candidates for office and selecting their public servants, share the noble sentiments so impressively expressed by Patrick Henry, whose name they love and whose memory they shall never cease to revere.

Today West Virginia says to the United States Senate: "Give me the liberty of representation in the greatest legislative body in the world by persons of my own choice or give me death." If the Senate should, to the unspeakable surprise, regret, and grief of West Virginia, refuse her the boon of representation for which she prays and pronounce a death sentence upon her political freedom of choice, she will, subject to slight variations, say in the language of the immortal Nathan Hale: "I only regret that I have but one life to lose for the political liberty of this Republic."

Mr. COSTIGAN. Mr. President, may I ask my distinguished friend the Senator from West Virginia a question before he takes his seat?

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

Mr. NEELY. With pleasure.

Mr. COSTIGAN. Does the sole and senior Senator from West Virginia assure the Senate that his sovereign State has not authorized or attempted to authorize any repre-

sentative from West Virginia other than the Honorable RUSH D. HOLT to be seated here as junior Senator from West Virginia?

Mr. NEELY. Mr. President, that assurance is unconditionally given to the Senate and the world.

Mr. COSTIGAN. May I also inquire, as one Member of the Senate who has not as closely as some others analyzed the record in these proceedings, whether, as stated this afternoon by the Senator from California [Mr. MCADOO] before the eloquent Senator from West Virginia took the floor, Mr. HOLT is 30 years of age, is a resident of the State of West Virginia, has been a citizen of the United States for more than 9 years last past, and is thus qualified at this time to meet the tests imposed on a Senator of the United States as declared in the Constitution?

Mr. NEELY. Mr. President, the able Senator from Colorado [Mr. COSTIGAN] has, with his characteristic clearness, correctly stated the important facts about which he has inquired. The unhesitating answer to his question, and to every part of his inquiry, is in the affirmative.

The VICE PRESIDENT. The question is on agreeing to the resolution submitted by the Senator from Delaware [Mr. HASTINGS] as a substitute for the resolution submitted by the Senator from Georgia [Mr. GEORGE] on behalf of the committee.

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

The VICE PRESIDENT. The clerk will call the roll.

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

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

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

Mr. GEORGE. Mr. President, I ask to have read the resolution offered by the Senator from Delaware [Mr. HASTINGS] as a substitute for the resolution offered by myself on behalf of the committee.

The VICE PRESIDENT. The clerk will read the substitute resolution.

The Chief Clerk read as follows:

Resolved, That the election of RUSH D. HOLT to be a Senator of the United States was void, he not having attained the age of 30 years at the commencement of the term for which he was elected.

The VICE PRESIDENT. The question is on agreeing to the substitute resolution.

Mr. GEORGE and Mr. NEELY called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. COPELAND (when his name was called). Present.

Mr. DIETERICH (when Mr. LEWIS' name was called). I wish to announce the unavoidable absence of my colleague the senior Senator from Illinois [Mr. LEWIS]. On this question he is paired with the senior Senator from New Jersey [Mr. BARBOUR]. If my colleague were present, he would vote "nay" on this question, and if the Senator from New Jersey were present he would vote "yea."

Mr. WHITE (when his name was called). On this question I have a pair with the junior Senator from Kentucky [Mr. LOGAN]. Not knowing how he would vote, I withhold my vote. If at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. BULKLEY (after having voted in the negative). I announce my general pair with the senior Senator from Wyoming [Mr. CAREY], who is necessarily absent from the city. As I am advised that a special pair has been arranged for him on this question, I will allow my vote to stand.

Mr. COPELAND. When I came into the Chamber I was not sure about my pair, but I find he is not present. I am paired with the Senator from Delaware [Mr. TOWNSEND], and therefore withhold my vote.

Mr. BARKLEY. I desire to announce the unavoidable absence of my colleague [Mr. LOGAN], and to state further that if present he would vote "nay."

Mr. AUSTIN. I announce the pair of the Senator from Wyoming [Mr. CAREY] with the Senator from Utah [Mr. THOMAS] and the pair of the Senator from Delaware [Mr. HASTINGS] with the Senator from North Carolina [Mr. REYNOLDS]. All these Senators are necessarily absent. If present, the Senator from Wyoming [Mr. CAREY] would vote "yea", and the Senator from Utah [Mr. THOMAS] would vote "nay." The Senator from Delaware [Mr. HASTINGS] would vote "yea", and the Senator from North Carolina [Mr. REYNOLDS] would vote "nay."

Mr. KING (after having voted in the affirmative). I inquire whether the junior Senator from Idaho [Mr. POPE] has voted.

The VICE PRESIDENT. That Senator has not voted.

Mr. KING. I have a pair with the Senator from Idaho on this question and therefore withdraw my vote. I do not know how the Senator from Idaho would vote if present, but I understand he would vote "nay."

Mr. MCKELLAR (after having voted in the negative). I have a general pair with the senior Senator from Delaware [Mr. TOWNSEND]. On this question, however, he has a special pair, and I shall therefore allow my vote to stand.

Mr. ROBINSON. The Senator from North Carolina [Mr. REYNOLDS], the Senator from Idaho [Mr. POPE], the Senator from Florida [Mr. TRAMMELL], the Senator from Nevada [Mr. PITTMAN], and the Senator from Massachusetts [Mr. COOLIDGE] are unavoidably detained.

The Senator from Utah [Mr. THOMAS] is detained on important public business.

The result was announced—yeas 17, nays 62, as follows:

YEAS—17

Austin	Dickinson	Keyes	Vandenberg
Borah	Gibson	McNary	Walsh
Burke	Hale	Metcalf	
Capper	Hatch	Norbeck	
Connally	Johnson	Steiwer	

NAYS—62

Adams	Clark	Lonergan	Radcliffe
Ashurst	Costigan	Long	Robinson
Bachman	Davis	McAdoo	Russell
Bailey	Dieterich	McCarran	Schall
Bankhead	Donahey	McGill	Schwellenbach
Barkley	Duffy	McKellar	Sheppard
Bilbo	Fletcher	Maloney	Shipstead
Black	Frazier	Minton	Smith
Bone	George	Moore	Thomas, Okla.
Brown	Gerry	Murphy	Truman
Bulkley	Glass	Murray	Tydings
Bulow	Gore	Neely	Van Nuys
Byrd	Guffey	Norris	Wagner
Byrnes	Harrison	Nye	Wheeler
Caraway	Hayden	O'Mahoney	
Chavez	La Follette	Overton	

NOT VOTING—16

Barbour	Couzens	Logan	Thomas, Utah
Carey	Hastings	Pittman	Townsend
Coolidge	King	Pope	Trammell
Copeland	Lewis	Reynolds	White

So Mr. HASTINGS' resolution in the nature of a substitute for the resolution submitted by Mr. GEORGE on behalf of the committee was rejected.

The VICE PRESIDENT. The question is on agreeing to the resolution submitted by the Senator from Georgia [Mr. GEORGE] on behalf of the committee.

The resolution submitted by Mr. GEORGE (S. Res. 155) is as follows:

Resolved, That RUSH D. HOLT is entitled to his seat in the Senate of the United States as a Senator from the State of West Virginia, it appearing that he was 30 years of age at the time when he presented himself to the Senate to take the oath and to assume the duties of the office.

Mr. NEELY. I call for the yeas and nays on the resolution.

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

Mr. BULKLEY (when his name was called). I repeat the announcement heretofore made, that I have a general pair with the senior Senator from Wyoming [Mr. CAREY], who is necessary absent, but a special pair has been arranged for him, and I am at liberty to vote. I vote "yea."

Mr. COPELAND (when his name was called). Repeating the announcement as to my pair with the Senator from Delaware [Mr. TOWNSEND], I withhold my vote.

Mr. KING (when his name was called). On this vote I have a pair with the junior Senator from Idaho [Mr. POPE], who is unavoidably detained. I understand that if he were present he would vote "yea." If I were permitted to vote, I should vote "nay."

Mr. BARKLEY (when Mr. LOGAN's name was called). Repeating the announcement previously made concerning the unavoidable absence of my colleague, I wish to announce that if present he would vote "yea."

Mr. McKELLAR (when his name was called). Making the same announcement as to my pair that I made on the previous vote, I vote "yea."

Mr. WHITE (when his name was called). On this vote I have a pair with the junior Senator from Kentucky [Mr. LOGAN]. It has been announced that if he were present he would vote "yea." If permitted to vote, I should vote "nay."

The roll call was concluded.

Mr. AUSTIN. I announce the following pairs:

The Senator from Delaware [Mr. HASTINGS] with the Senator from North Carolina [Mr. REYNOLDS]; and

The Senator from Wyoming [Mr. CAREY] with the Senator from Utah [Mr. THOMAS].

I am informed that if the Senator from Delaware [Mr. HASTINGS] and the Senator from Wyoming [Mr. CAREY] were present and voting they would vote "nay", and that if the Senator from North Carolina [Mr. REYNOLDS] and the Senator from Utah [Mr. THOMAS] were present and voting they would vote "yea."

Mr. ROBINSON. I wish to announce the necessary absence of the Senator from Massachusetts [Mr. COOLIDGE], the Senator from Nevada [Mr. PITTMAN], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from Florida [Mr. TRAMMELL].

I also desire to announce that the Senator from Utah [Mr. THOMAS] is detained on important public business.

Mr. DIETERICH. I wish to announce the unavoidable absence of my colleague [Mr. LEWIS]. He has a pair with the senior Senator from New Jersey [Mr. BARBOUR]. If my colleague [Mr. LEWIS] were present and permitted to vote, he would vote "yea." I am informed that if the Senator from New Jersey [Mr. BARBOUR] were present and voting he would vote "nay."

The result was—yeas 62, nays 17, as follows:

YEAS—62

Adams	Clark	Lonergan	Radcliffe
Ashurst	Costigan	Long	Robinson
Bachman	Davis	McAdoo	Russell
Bailey	Dieterich	McCarran	Schall
Bankhead	Donahey	McGill	Schwellenbach
Barkley	Duffy	McKellar	Sheppard
Bilbo	Fletcher	Maloney	Shipstead
Black	Frazier	Minton	Smith
Bone	George	Moore	Thomas, Okla.
Brown	Gerry	Murphy	Truman
Bulkley	Glass	Murray	Tydings
Bulow	Gore	Neely	Van Nuys
Byrd	Guffey	Norris	Wagner
Byrnes	Harrison	Nye	Wheeler
Caraway	Hayden	O'Mahoney	
Chavez	La Follette	Overton	

NAYS—17

Austin	Dickinson	Keyes	Vandenberg
Borah	Gibson	McNary	Walsh
Burke	Hale	Metcalf	
Capper	Hatch	Norbeck	
Connally	Johnson	Steiwer	

NOT VOTING—16

Barbour	Couzens	Logan	Thomas, Utah
Carey	Hastings	Pittman	Townsend
Coolidge	King	Pope	Trammell
Copeland	Lewis	Reynolds	White

The VICE PRESIDENT. On this vote the yeas are 62 and the nays are 17, so the resolution is agreed to, and the Senator-elect from West Virginia will present himself at the Vice President's desk to take the oath of office.

Mr. HOLT, escorted by Mr. NEELY, advanced to the Vice President's desk, and the oath of office was administered to him by the Vice President.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 7205) to amend the Ship Mortgage Act, 1920, otherwise known as "section 30" of the Merchant Marine Act, 1920, approved June 5, 1920, to allow the benefits of said act to be enjoyed by owners of certain vessels of the United States of less than 200 gross tons.

The message also announced that the House insisted upon its amendments to 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, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CONNERY, Mr. RAMSPECK, Mr. GRISWOLD, Mr. WELCH, and Mr. LAMBERTSON were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7672) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1936, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate numbered 28, 42, 44, and 48 to the bill, and concurred therein, and that the House had receded from its disagreement to the amendment of the Senate numbered 18 and concurred therein with an amendment, in which it requested the concurrence of the Senate.

ADDITIONAL CIRCUIT JUDGE, NINTH JUDICIAL DISTRICT

Mr. BANKHEAD obtained the floor.

Mr. JOHNSON. Mr. President——

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

Mr. BANKHEAD. I yield.

Mr. JOHNSON. I desire to ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 5917) to appoint an additional circuit judge for the ninth judicial district. If it appears that it will occupy any of the time of the Senator from Alabama, of course, I shall not ask that the bill be taken up; but I make the request now because the Judiciary Committee is familiar with the measure, it has reported it favorably, the Department of Justice has requested that it be passed, and that it is a matter of more or less emergency in the organization of the court in the district affected. If it shall cause any discussion, I will withdraw the request at once.

Mr. KING. Mr. President, I should like to ask the Senator from California if a bill did not pass the Senate only a few days ago providing for two judges for the southern district of California and an additional circuit judge?

Mr. JOHNSON. It contained various amendments, and it was sent to the House for its consideration. The House has now passed a bill and sent it to the Senate providing for the appointment of one judge. The Senator from Arizona [Mr. ASHURST], the Chairman of the Committee on the Judiciary, will, from that committee, present an amendment providing for the two judgeships to which the Senator from Utah refers.

Mr. ASHURST. Mr. President, I wish to emphasize that the House passed a bill to provide for an additional circuit

judge for the ninth circuit. That bill went to the Committee on the Judiciary, and that committee reported the bill favorably, adding additional judges for the southern district of California, in which district the business of the courts is badly congested. There were other judgeships proposed. I regret that we have not been able to complete the investigation of other districts. This is all we can do at this moment.

I hope the bill will pass.

Mr. GORE. Mr. President, I should like to ask the Senator from Arizona a question. I have introduced a similar bill with reference to an additional judge for Oklahoma. I was not quite clear as to the statement of the Senator from Arizona. Is it the desire of the Senator that this bill should be taken up now and passed?

Mr. ASHURST. I am speaking only for myself. I am not authorized to speak for any other member of the Judiciary Committee. My personal opinion is that there should be an additional district judge in Oregon, in West Virginia, in South Dakota, and in one or two other States. However, we must be practical. It is useless to delay action in this matter until we can have additional judges provided in other districts.

Mr. GORE. What about Oklahoma?

Mr. ASHURST. Oklahoma needs an additional judge. Tennessee is another State which I know needs an additional judge. Those two come to my mind as States which need judges, but obviously they cannot be provided for at this time. Moreover, the Senate Committee on the Judiciary have not completed investigation of the Oklahoma and Tennessee cases.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California that the Senate proceed to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and to insert the following:

That the President is hereby authorized to appoint, by and with the consent of the Senate, two additional judges of the District Court of the United States for the Southern District of California, who shall possess the same powers, perform the same duties, and receive the same compensation as the present district judges of said district, and one additional judge of the Circuit Court of the United States for the Ninth Judicial Circuit, by and with the advice and consent of the Senate.

SEC. 2. In the event a vacancy occurs in the office of the district judge now senior in date of commission in said district, and who was appointed under the act of September 14, 1922, such vacancy, and succeeding vacancies in the same office, shall be filled without further action by Congress.

Mr. GLASS. Mr. President, I offer an amendment to the bill.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 2 of the committee amendment, after line 8, it is proposed to insert a new section to read as follows:

SEC. 3. That the President of the United States be, and he is hereby, authorized and directed to appoint, by and with the advice and consent of the Senate, an additional judge of the District Court of the United States for the Eastern District of Virginia.

Mr. GLASS. Mr. President, a bill making this authorization has already passed the House of Representatives. The testimony shows that at Norfolk, Va., the maritime cases alone occupy more than two-thirds of the time of the judge for the eastern district of Virginia. The calendar is dreadfully congested. I understand that the Chairman of the Judiciary Committee will accept the amendment.

Mr. McCARRAN. Mr. President, during the past few days a subcommittee of the Judiciary Committee held a hearing on the amendment now offered by the Senator from Virginia. I wish to say that in the hearing we went into the matter at length during almost an entire afternoon; and we find a condition in the eastern district of Virginia which is indeed deplorable when we consider what should be the efficiency and promptness of the Federal courts. They are in many instances more than a year behind with their work. In most instances they do not have a call of the calendar because it would be impossible for them to do anything under such a call. However, Mr. President, the amendment providing for one additional judge for the eastern district of Virginia is all that the Judiciary Committee has considered along this line, excepting the consideration of the main judgeship bill, now before the House. There are, perchance, other districts which may or may not require an additional judge, but in orderly procedure the Judiciary Committee has made investigation. Each case should stand on its own merits, and it seems to me to be unfair to load this bill down with amendments to take care of cases in which no investigation has been made by the Judiciary Committee.

As for the eastern district of Virginia, there can be no question that it should have an additional judge. As for the southern district of California, it is so palpable and so plain that there should be two additional judges there that there can be no contradiction. As for the one additional circuit judge for the ninth circuit, the congestion there has been made note of by the Department of Justice and the judicial council.

The bill, as amended by the amendment proposed by the senior Senator from Virginia, should be passed, and then we should let the Judiciary Committee go into the subject in an orderly way and examine the other cases on their merits.

Mr. GORE. Mr. President, I should like to ask the Senator from Nevada if he can give us any assurance that the Judiciary Committee at any early date will proceed to a consideration of these other bills and will take such action as the circumstances in the districts seem to demand. Of course I assume they will do that.

Mr. McCARRAN. I cannot speak for the Judiciary Committee, and I do not assume to, but I speak for the subcommittee of which I happen to be a member, and that subcommittee, if it is referred to us, will so far as I am individually concerned, go to work on it at once.

Mr. GORE. Mr. President, I do not wish to obstruct the passage of this bill or to defeat the amendment offered by the Senator from Virginia, but my own State stands in pretty much the same situation. We are in dire need of an additional judge. I introduced a bill providing for an additional judge some weeks ago, Senate bill 2137. I have been hoping for a favorable report at the hands of the Judiciary Committee, but the Department of Justice seems to have a sort of ironclad rule that it will not recommend an additional judge unless some institute of law or other organization recommends it in advance.

Justice delayed is justice denied. Where additional judges are needed I think the Judiciary Committee ought to ascertain the facts and recommend the bill.

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

The PRESIDING OFFICER (Mr. McKELLAR in the chair). Does the Senator from Oklahoma yield to the Senator from Utah?

Mr. GORE. I yield.

Mr. KING. I think the Senator inadvertently indulged in a criticism of the Department of Justice which is scarcely warranted. I know from my inquiries and my contacts with the Department of Justice, and particularly with the Attorney General, that an investigation is conducted whenever representations are made as to the importance and necessity of additional judges; and I have upon my desk in my office reports concerning a number of judicial districts where it has been insisted that additional judges are required. Those reports will be available to the Judiciary Committee, and the Judiciary Committee will be glad to pass upon any matters which come before it.

Mr. GORE. Mr. President, I understand a departmental report was made on my bill; and I have been informed that the law institute, or whatever organization it is which is expected to pass on the question, did not make a recommendation in that particular instance, and for that reason the Department of Justice has withheld its recommendation. I hope the Senator from Utah is right in his contention. I have been informed that the Attorney General's view is that we are entitled to a judge and we ought to have it, but that was not embodied in his report.

That was not embodied in his report. I shall not interpose any objection. I shall rely upon the assurances which have been given on the floor that the matter will receive early attention, and, I hope, favorable attention.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Virginia [Mr. GLASS] to the amendment of the committee.

The amendment to the amendment was agreed to.

The committee amendment as amended was agreed to.

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

The bill was read the third time and passed.

The title was amended so as to read: "An act to provide for the appointment of two additional judges of the District Court of the United States for the Southern District of California, one additional judge for the circuit court, ninth judicial circuit, and an additional district judge for the eastern district of Virginia, and for other purposes."

Mr. ASHURST. Mr. President, I move that the Senate insist upon its amendment, ask for a conference with the House, and that the Chair appoint conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed Mr. KING, Mr. MCADOO, and Mr. BORAH conferees on the part of the Senate.

NAVAL APPROPRIATIONS—CONFERENCE REPORT

Mr. BYRNES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7672) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1936, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, 7, 19, 26, 27, and 29.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 8, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 30, 31, 32, 33, 35, 38, 39, 40, 43, 45, 46, and 47, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$175,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,062,700"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "three"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,020,450"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,732,310"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,590,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$6,000,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 18, 28, 42, 44, and 48.

JAMES F. BYRNES,
ROYAL S. COPELAND,
PARK TRAMMELL,
FREDERICK HALE,
HENRY W. KEYES,
Managers on the part of the Senate.

GLOVER H. CARY,
WILLIAM B. UMSTEAD,
W. R. THOM,
GEO. W. JOHNSON,
J. G. SCRUGHAM
(Except as to amendment no. 32),
CLARENCE J. MCLEOD,
J. W. DITTER,
Managers on the part of the House.

Mr. BYRNES. Mr. President, I ask that the Senate proceed to the consideration of the conference report. There was a unanimous agreement, and I am sure there will not be any debate.

Mr. LONG. Mr. President, I have been waiting for an opportunity to submit a few remarks on the President's recent message. Of course, I do not want to deprive any Senator of his privilege to dispose of any important business. May I ask the Senator from Alabama if it is his purpose to speak this afternoon on his bill?

Mr. BANKHEAD. It is.

Mr. LONG. Would there be any objection if I should speak for a few minutes? I have the right to do so, I know, but I do not want to insist on it. I send to the desk and ask to have read the marked portion of an article which appeared in a newspaper this afternoon.

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

Mr. LONG. I have the floor.

Mr. BANKHEAD. No; I have the floor, and I do not yield.

Mr. BYRNES. Mr. President, will not the Senator from Louisiana permit me to dispose of the conference report?

Mr. LONG. I have a right to speak on the matter.

Mr. BYRNES. Mr. President, I assured the Senator from Alabama I would not ask him to yield if the conference report should lead to any debate. As it seems that it will, I withdraw my request.

The PRESIDING OFFICER. The Senator from South Carolina withdraws his request.

Mr. BYRNES subsequently said: Mr. President, I renew my request for the consideration of the conference report on the naval appropriation bill, which has been presented and is on the desk.

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

There being no objection, the report was considered and agreed to.

The PRESIDING OFFICER laid before the Senate the following action of the House of Representatives, which was read:

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,
June 21, 1935.

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 28, 42, 44, and 48 to 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, and concur therein; and

That the House recede from its disagreement to the amendment of the Senate numbered 18 to said bill and concur therein with the following amendment:

In lieu of the matter inserted by said amendment insert a comma and "and other officers above such grades employed on such class of active duty (not to exceed 4 months in any calendar year) shall not be entitled to be paid a greater rate of pay and allowances than authorized by law for a lieutenant of the Navy or a captain of the Marine Corps entitled to not exceeding 10 years' longevity pay."

Mr. BYRNES. I move that the Senate concur in the amendment of the House to the amendment of the Senate numbered 18.

The motion was agreed to.

FARMERS' HOME CORPORATION

The Senate resumed the consideration of the bill (S. 2367) to create the Farmers' Home Corporation, to promote more secure occupancy of farms and farm homes, to correct the economic instability resulting from some present forms of farm tenancy, to engage in rural rehabilitation, and for other purposes.

Mr. BANKHEAD. Mr. President, this bill was considered by the Senate for 9 or 10 days when it was here on a previous occasion. It has had most thorough and active consideration by the Senate in all its phases. Its provisions were gone into very thoroughly when the bill was previously before the Senate. After full consideration a number of amendments were adopted in the Senate before the bill was recommitted to the Committee on Agriculture and Forestry.

The bill went back under an order of the Senate which contained directions to the committee to report the bill again by

a date therein fixed. The committee again considered the bill and sometime ago submitted a report. I am pleased to say that all the members of the committee who were in attendance—and there was a large attendance—were in accord as to the principal features of the bill as it has been reported to the Senate. The bill has received the support of nearly all the members of the Committee of Agriculture and Forestry.

I think it would be proper to state, in a brief way, the changes which have been made in the original bill. I may say in the beginning that the amendments which were adopted by the Senate when the bill was previously here for consideration were all included in it as reported at this time with practically no change.

The bill as at present before the Senate provides that the Board shall be composed of 5 members, 2 being ex-officio members, the Secretary of Agriculture and the Governor of the Farm Credit Agency, and that not more than 2 of the 3 appointive members shall be of the same political party. That amendment was adopted without objection when the bill was before the Senate on a previous occasion.

It is further provided that the capital stock of the Corporation may be increased only with the approval of the President of the United States. The bill originally made the first working capital of the Corporation $50,000,000, in the discretion of the President. As reported now by the committee, that is made mandatory. That sum is carried in the work-relief law, under an authorization in that act, included in it by the Senate when the measure was here for consideration, specifically providing that funds appropriated in that act, under an amendment offered by the junior Senator from Georgia [Mr. RUSSELL], could be used for the purpose provided in the bill now before us.

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

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

Mr. BANKHEAD. I do.

Mr. KING. I inquire as to the reason why it is to be made mandatory that the capital stock shall be $50,000,000? Why not just give the authority, if we are to pass the bill, and provide that $50,000,000 may be the maximum capital of the Corporation, instead of compelling them to have capital stock of that amount?

Mr. BANKHEAD. That is all they are authorized to have under the bill, except where the President approves more. It was thought, upon further consideration of the bill, that the Corporation should have some fixed capital stock which would be definite and certain.

Mr. KING. If I may trespass further upon the Senator's time——

Mr. BANKHEAD. Yes.

Mr. KING. I am interested in what the Senator says. Does he state that the bill contains not only a positive declaration for $50,000,000 capital stock but that the President may increase the capital stock?

Mr. BANKHEAD. That is true.

Mr. KING. Without any limitation?

Mr. BANKHEAD. The limitation is such subscription as he may wish to make out of the work-relief act, from the sources from which the Senate authorized him without limitation to make subscription.

Mr. KING. Then the President might subscribe for $500,000,000 and take it out of the appropriation we have made for relief?

Mr. BANKHEAD. The Senate took whatever action has been taken on that matter in passing the work-relief joint resolution. The bill simply follows the provision in the work-relief act which was passed by the Senate.

Mr. KING. I desire to say to the Senate that I am very much opposed to that provision and shall move to strike it out.

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

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

Mr. BANKHEAD. I do.

Mr. ADAMS. It seems to me, if I recall the terms of the amendment, that there is a slight inaccuracy in the statement of the Senator from Alabama with reference to the capital. If I read it correctly, the board of directors may increase the capital to any amount they desire—not the President, but the board of directors—and the President may allocate such funds as he thinks advisable from the work-relief appropriation. In one instance it is the board of directors who are given authority to increase the capital stock, and the other authority is given to the President.

Mr. BANKHEAD. I call the Senator's attention to page 16, line 16:

> The Corporation shall have capital stock in the amount of $50,000,000, and the board, with the approval of the President, is authorized to increase such capital stock—

And so forth. That amendment, "with the approval of the President", was incorporated in the bill on the floor of the Senate when the bill was pending here before, so that without the approval of the President there is no authorization in the bill as it is now written for the board to increase the capital stock.

Mr. ADAMS. But the actual act of increasing the capital stock is that of the board of directors.

Mr. BANKHEAD. Yes; but, as I stated, it must have the approval of the President.

Mr. ADAMS. May I ask the Senator why there is to be recourse for these contributions to capital stock not only to the Work Relief Act but to the particular sections of that act which provide money for soil erosion, reforestation, and other purposes which are of particular interest to certain sections of the country?

Mr. BANKHEAD. Of course, the source from which the money comes is not made mandatory in the bill. It is left, as the Work Relief Act leaves it, in the judgment and control of the President. There are certain phases of the program of rural rehabilitation whose assets, when the temporary machinery shall have expired, it may be desired to transfer to this Corporation; but there is no mandatory provision here to take any part of this money from any specific allocation as set up in the Work Relief Act.

Mr. ADAMS. If I may interrupt further, as I read the provision, it says that—

> The President is further authorized to transfer to the Corporation, from the sums so allocated or otherwise made available for rural rehabilitation, and prevention of soil erosion, reforestation and forestation, such sums as he may from time to time deem desirable to carry out the purposes of this act.

In the Work Relief Act these were not allocations, but were limitations.

Mr. BANKHEAD. Yes.

Mr. ADAMS. The President was authorized to spend $4,000,000,000, but of that amount only a certain amount could be devoted to these purposes. As I understand, there is a demand—almost an excessive demand—for funds for those particular purposes; and my inquiry is whether, if we provide for this particular allocation or limitation, we shall not deprive the work-relief program of funds which are vitally needed if it is to be carried out as the President desired it carried out.

Mr. BANKHEAD. I will say to the Senator that he observes that that is not a mandatory requirement. I will say to him further that it was put in the bill at the suggestion of the department which will have charge of this work, after the bill went back to the committee. That is the reason why the provision is in the bill.

Mr. ADAMS. It may be satisfactory to the department, but it will hardly be satisfactory to the section of the country which is to be deprived of necessary appropriations.

Mr. BANKHEAD. There is nothing at all mandatory about it.

All the property of the Corporation, except its real estate, including its franchise, capital, reserves, and surplus, its loans and income, and its personal property, is made exempt from taxation as Government property. Any land sold to a

purchaser, however, although title may still be retained by the Corporation, is subject to taxation.

An important provision of the bill which has satisfied some Senators who made known their opposition to the bill when it was pending here before is the limitation upon the expenditures in the early stages of the operation of the Corporation. It is now provided in the bill that during the first year only the $50,000,000 which is fixed as the limit of the working capital coming from the Work Relief Act may be expended by the Corporation; and then, within the first 3 years of the life of the Corporation, that only $300,000,000 may be expended.

So this program provides limitations for the Corporation which will require it, in the early stages of its development and of its research and of its organization, to move with some degree, at least, of deliberation and care; and it gives the Congress ample time subsequently to determine whether they wish to put a stop to a program of this sort or enable it to go forward. With that limitation upon the expenditures for the first 3 years, a number of Senators who previously opposed the bill have indicated their support of it.

The employees are placed under the civil service, as provided in the amendment offered by the Senator from Nebraska [Mr. NORRIS] and adopted by the Senate. No change has been made in that amendment.

The appointment of any person receiving a salary of $4,000 or more per annum is subject to the confirmation of the Senate. That amendment was adopted heretofore, and has been incorporated in the redraft of the bill.

The Corporation is also required, at the close of each fiscal year, to make a report in writing to the Congress stating in detail its activities, the names, salaries, and duties of all employees and officers in the employ and under the supervision of the Corporation, and an account of all moneys it has disbursed. In other words, it is provided that there shall be furnished annually a detailed statement, for the information of the Members of Congress, of the complete operations of the Corporation in all its ramifications and details.

There was considerable discussion here when the bill was previously considered about the limitation upon the amount of expenditure and the size of the farms. After full discussion, the amendment offered by the Senator from Oklahoma [Mr. GORE] upon that subject was adopted, and it has been incorporated in the bill.

It fixes an average, according to the census, applicable to the size of the farm in the State or locality, and also to the value. It seemed to the committee that that was a wise amendment. The amendment brings about a safe and careful limitation which is adjustable to different sections of the country according to size and values of farms in the different sections.

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

Mr. BANKHEAD. I yield.

Mr. ROBINSON. Will the Senator state where that limitation is to be found in the bill?

Mr. BANKHEAD. On page 22, line 9, subsection (4). In addition to that, the bill now provides that no land shall be bought by the corporation for resale to farmers until it has been appraised by competent appraisers.

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

Mr. BANKHEAD. I yield.

Mr. BORAH. I think that is a very important provision of the bill. Will the Senator state it in detail?

Mr. BANKHEAD. If the Senator will turn to page 22, line 15, he will find the provision:

> No property, real or personal, shall be purchased hereunder save upon an appraisal by competent experts, reported in writing and sworn to and filed and preserved for inspection by the Congress, or any Member thereof.

That was adopted here on motion of the Senator from North Carolina. The committee added this further safeguard:

> If the services of appraisers of the Federal land bank are available, no farm land shall be bought by the Corporation save upon an appraisal by one or more appraisers of the Federal land bank, reported in writing and sworn to and filed and preserved for inspection by the Congress, or any Member thereof.

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

Mr. BANKHEAD. I yield.

Mr. ROBINSON. It is observable that the proposed statute does not fix any limitation on the amount which may be paid for the land. It merely provides that the purchase shall be based upon an appraisal.

Mr. BANKHEAD. I did not understand the suggestion of the Senator.

Mr. ROBINSON. The bill provides that the property must be appraised; but there is no provision that the purchase price shall be limited to the appraised value, is there?

Mr. BANKHEAD. I think that is really covered. If the Senator will observe just preceding that, there is provision for limiting the purchase by the words, "not to exceed in cost the price of property of similar size and value in the same section or area." The value, of course, is to be determined by the appraisal, and the Corporation will not be authorized to pay in excess of the appraisal.

The provision as to the limitation on the value is followed by a provision for a method of fixing the value, that is, by the appraisal, and naturally it seems clear, at least to me, that the Corporation would be governed and limited by the value ascertained in the way and by the persons provided.

Mr. BORAH. In what line does the language in reference to the limitation on the cost appear?

Mr. BANKHEAD. That is line 13, page 22, "not to exceed in cost the price of property of similar size and value."

Mr. BORAH. That is a different limitation. Should there not be somewhere a provision, as suggested by the question of the Senator from Arkansas, that it would be limited to the appraised value?

Mr. BANKHEAD. I am perfectly willing to have such an amendment adopted, if the Senator will prepare it. It is the object of the framers of the bill to limit it to that, and if the Senator does not think it clearly so provides, I shall be glad to accept an amendment.

Mr. BORAH. I am not sure it does not clearly make such provision, because I have not sufficiently studied it, but it ought so to provide.

Mr. BANKHEAD. I agree with the Senator, and I shall be glad to have the Senator clear up any uncertainty in his mind about it.

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

Mr. BANKHEAD. I yield.

Mr. BONE. Because of the amortization period over which loans might be cared for under the proposed act, the corporation created would have to be a corporation of very long life. I notice on page 21 the statement that—

> The Corporation shall have succession in its corporate name and shall have power.

Then there is a recitation of many powers. Is there any provision in the bill limiting the life of the corporation?

Mr. BANKHEAD. There is not. It will be of indefinite duration.

Mr. BONE. I understand the necessity for indefinite duration.

Mr. BANKHEAD. The Government can abolish it, of course. It is a Federal corporation we are proposing to create. It will continue as long as it is carrying on the program under the measure.

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

Mr. BANKHEAD. I yield.

Mr. SCHWELLENBACH. The Senator will remember that in the committee discussions the question was raised as to the appraisal of separate tracts. I am wondering whether the language on page 22, where it is stated on line 15 "no property, real or personal, shall be purchased hereunder save upon an appraisal" is sufficiently clear. I am wondering whether we should not add the words "of each tract."

Mr. BANKHEAD. It is all right to add those words if the Senator thinks they are needed. That is the object and purpose. It says "no property", therefore there would be an appraisement of each tract.

Mr. SCHWELLENBACH. The danger against which we were trying to guard was having an appraisal of a large

area which might contain some land which would be of more value than other land and having it all appraised at $10 an acre.

Mr. BANKHEAD. If the Senator has any doubt about it, I suggest that he prepare an amendment.

Mr. SCHWELLENBACH. I shall be glad to prepare an amendment.

Mr. BANKHEAD. Very well. On page 26 will be found an amendment which was presented by the junior Senator from Kentucky [Mr. LOGAN] fixing an exemption up to $2,500 beyond which the purchasers of a farm could not place any lien or encumbrance of any sort on it. It would exempt it as a homestead from debts or obligations of any kind except taxes. That is intended to preserve, so far as the Government can control it, a continuity of ownership.

Mr. BONE. This virtually establishes in a statutory way a homestead in the land such as might be secured by the establishment of a homestead under the operation of State laws.

Mr. BANKHEAD. That is correct.

Mr. BONE. I take it that it was the purpose of the committee virtually to vest all rights of homestead in one of the borrowers under this measure?

Mr. BANKHEAD. Yes.

Mr. BONE. I think that is a very salutary provision.

Mr. BANKHEAD. All of us who have studied this problem and are interested in it are anxious to provide every reasonable safeguard to hold the title in the continued ownership of the purchasers of these farms and to prevent the loss of homes through speculation or bad judgment or bad business management.

Mr. BONE. Is there any limit to the size of a tract which may be purchased? I am sorry that I was not permitted to hear the committee deliberations.

Mr. BANKHEAD. Yes. The Senator from Oklahoma [Mr. GORE], as I pointed out, offered an amendment, which will be found on page 22, line 9, which sets up a standard which is applicable and which gives a proper and reasonable latitude as to the size and as to the value of farms to fit conditions in varying sections of the country, limiting it to the average farm.

Mr. BONE. I realize that it would probably be impossible to set an arbitrary figure as to acreage because of the factor of diversity in crops in so many States. There are some very large farms in my State, and also some very small farms. There are in States like Texas some farms which would seem inordinately large. That is particularly true in Western States, where the people have to engage in dry farming, and must have large amounts of land in order to produce a sizable crop. Is it the idea of the Senator from Alabama that the provision in the bill is sufficiently flexible to give authority for the exercise of wise discretion in the matter?

Mr. BANKHEAD. The bill provides for an average farm. No one could expect a tenant or owner, under these conditions, to have a farm larger than the average-size farm in his community, whatever it may be.

Mr. BONE. Mr. President, the bill says "an average farm in the State where the land is located."

Mr. BANKHEAD. That makes it flexible enough to provide for a wheat-growing section or a cotton-growing section.

Mr. BONE. Every Senator, of course, will have to answer questions about this bill, and while the Senator from Alabama is on the floor I desire to extract from him all the information I can. I do not know how it is in the Senator's State, but in my own State, on the east side, there are some very large farms given over to the production of wheat. On the west side there are a great number of small truck farms, as we call them, where the farmers produce vegetables of a very fine kind. There would not be any comparison in size between the farms on one side of the State and those on the other side of the State. I do not know how it would be in Alabama or in the Eastern States, from which many members of the committee come. They perhaps have a different situation.

I do not wish to suggest this as an amendment, but I am wondering if it would not be better to provide that the farms should be limited to the average size of the farms in the locality in the State; or would that be unhappy language?

Mr. BANKHEAD. It is not contemplated to buy large farms.

Mr. BONE. I appreciate that.

Mr. BANKHEAD. And if one gets an average-size farm in his State, I think that is a larger-size farm than will ordinarily be sold to these new farm owners. To be perfectly frank with the Senator, I think this provision is fully liberal as to the size of the farm. Some Senators feared that too large farms might be bought, and I think that was the cause motivating the Senator from Oklahoma to present his amendment.

Mr. BONE. Mr. President, this measure is going to offer the first ray of hope to a great many people. I am very much in sympathy with the type of legislation involved in the bill. I realize that perhaps some political bureaus might look upon this as something so new that it could not be tolerated, but I think it is a very wise and salutary suggestion in the form of legislation.

Since all the Members of the Senate are soon going to have to go home and talk to their constituents about this subject, I think it is wise for us to clear up as many of these small points as we can while the Senator is going through the bill.

Mr. BANKHEAD. I am glad to answer any questions.

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

Mr. BANKHEAD. I yield.

Mr. ADAMS. Permit me to call to the attention of the Senator from Washington the fact that this exemption goes far beyond the explanation. The explanation was that it protected the borrower. This clause makes the exemption a covenant running with the land. In other words, the borrower may sell the land to the richest man in the community, and so long as it is used as a farm homestead it continues exempt from all debts, all obligations of every kind.

I can readily imagine that there might be in the State of Washington some thrifty man who would accumulate a series of adjoining tracts of this kind, and all would be used as farm homesteads, and all would be exempt from all debts, and all would still be homesteads.

Mr. BONE. Mr. President, would the Senator from Alabama object if we should indulge in a little colloquy? Is it the view of the Senator from Colorado that this characteristic of a legal homestead might be impressed on these individual tracts of land even though they were subsequently assembled in the legal custody and possession of one individual?

Mr. ADAMS. Yes; they could still be homesteads.

Mr. BONE. If the Senator from Alabama thought that might cause some trouble—and I suppose there is always a possibility of trouble from the land sharks somewhere down the line—it might be possible, by the interpolation of some sort of language, to prevent such a situation from arising. I know that the Senator from Colorado, as are other Senators, is familiar with the homestead provisions.

Mr. ADAMS. Mr. President, will the Senator yield again?

Mr. BANKHEAD. I yield.

Mr. ADAMS. In my State it might be possible for the owner of property to own it under State laws under which he could accumulate land, and he could have a separate homestead under this provision. The bill, as it is drawn, forbids either voluntary or involuntary liens upon the property. It seems to me that if the provision which now reads "during the occupancy of the borrower" were changed to read "during the time when the indebtedness remains unpaid", it would accomplish everything that it is desired to accomplish. But the committee amendment goes beyond that, and provides an exemption which will protect people in whom we have no interest, perhaps—that is, the transferees who may accumulate, as I say, a series of these exempted tracts—and in the wheat-growing section, where a wheat farm may cover a thousand acres, there may be only one farmhouse, and it would be a farm homestead, and yet it may be composed of half a dozen farms purchased under the provisions of this measure.

Mr. BONE. Mr. President, the Senators' idea is that the characteristics of the homestead should be impressed on the land only when it is operated by the man for whose benefit we enact this bill.

Mr. ADAMS. Yes.

Mr. BONE. I think the Senator from Alabama would be able to frame an amendment that would make provision for a situation of this kind.

Mr. BANKHEAD. Yes. I did not prepare such an amendment. The Senator from Kentucky [Mr. LOGAN] offered the amendment, but I was in full accord with the philosophy of it, that persons should be protected in their homestead ownership of these small farms.

Mr. BONE. Of course, there would be no object in attempting to impose the protection of a homestead on an owner who bought 50 of these homesteads and combines them, because such a man is not any longer a small farmer. He is an entrepreneur. He is a big operator.

Mr. BANKHEAD. While the Senator from Colorado is not in favor of the bill, I am willing to risk having him give his suggestions and his views on that subject.

Mr. ADAMS. Mr. President, the Senator from Alabama is stating my attitude on the bill, which has not been declared. I am anxious to have a good bill.

Mr. BANKHEAD. I am asking the Senator to draw up the amendment.

Mr. ADAMS. I shall do so.

Mr. BONE. I think it a wise suggestion to ask the Senator from Colorado to draw up the amendment.

Mr. BANKHEAD. Yes; and I know he will do what he thinks is right. I am willing to trust him to draw it.

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

Mr. BANKHEAD. I yield.

Mr. COSTIGAN. Pursuing the inquiry of the Senator from Washington and referring to subdivision (4) of section 4, on page 22, limiting loans to—

> A farm to be limited in area to the size of an average farm in the State where the land is located—

Has the Senator prepared, or have experts prepared, any estimates of the size of average farms in various States of the Union?

Mr. BANKHEAD. No; I have no table on that subject. I understand, however, that the Census Bureau has; and the Senator from Oklahoma [Mr. GORE], in presenting his amendment, stated that such data are available in the Census Bureau.

Mr. COSTIGAN. Would it be possible to provide such a table for the RECORD?

Mr. BANKHEAD. I will say to the Senator from Colorado that I shall endeavor to get it.

Mr. COSTIGAN. I thank the Senator.

Mr. BANKHEAD. The Senator from Oklahoma has gone into the subject, and, knowing from experience that an average-size farm would be adequate for the purpose of this program, and that the information is available about what an average-size farm is in the States, it seems to me entirely satisfactory to provide that it shall be a farm of average size in the section in which the farm is located.

Mr. President, I think I have stated the substance of the changes which have been made in the bill.

I have three amendments merely correcting typographical mistakes and omissions which I shall send to the desk at this time. The amendments are purely corrective in nature, and do not substantially change the bill.

The PRESIDENT pro tempore. The first amendment will be stated.

The LEGISLATIVE CLERK. On page 16, line 3, after the words "end of", it is proposed to strike out "3" and to insert in lieu thereof "2".

Mr. LONG. Mr. President, I do not suppose the Senator from Alabama will undertake to ask to have this bill passed this afternoon, as practically all the Senators have gone. Almost all the Senators on the Republican side have gone. May I inquire whether it is the purpose to try to pass the bill this afternoon?

Mr. ROBINSON. Mr. President, I had hoped, in view of the situation in a number of committees and relating to conferences, that we might be able to dispose of this bill today and take a recess over the week-end. However, the discussion on the Holt case was continued somewhat longer than was anticipated. This bill was reached late in the day. I am satisfied, as is probably the Senator from Oregon [Mr. MCNARY] also, that there is no possibility of concluding consideration of the bill today. Therefore it will be necessary to have a session tomorrow.

I will state to the Senator from Alabama and the Senator from Louisiana that when the Senator from Alabama shall have concluded his remarks, or when he shall desire to conclude for the day, it will be my purpose to move an executive session, and then a recess.

Mr. LONG. Mr. President, I desire to give notice that tomorrow, as soon as I can obtain recognition, I shall address the Senate on the redistribution of wealth and the President's message on the redistribution of wealth.

Mr. ROBINSON. Mr. President, I think we might proceed further with the consideration of the bill.

The PRESIDING OFFICER. The clerk will again report the first amendment offered by the Senator from Alabama.

The LEGISLATIVE CLERK. It is proposed, on page 16, in line 3, to strike out the word "three" and insert the word "two", so as to make the clause read:

> The terms of office of the Members first taking office after the date of enactment of this act shall expire, as designated by the President at the time of appointment, one at the end of 2 years, one at the end of 4 years, and one at the end of 6 years, after the date of the enactment of this act.

Mr. MCNARY. Mr. President, I do not understand the reason for the change. Will the Senator from Alabama explain it?

Mr. BANKHEAD. The original bill provided for a term of 2 years instead of 3 years. It is merely to correct a clerical error.

Mr. MCNARY. Very well.

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

The amendment was agreed to.

Mr. KING. Mr. President, I wish to give notice to the Senator from Alabama that tomorrow, or at an appropriate time, I shall offer an amendment, on page 16, line 16, to strike out the numerals "$50,000,000" and insert in lieu thereof "$25,000,000", this relating to the capital stock of the corporation.

I give notice also that I shall offer an amendment, on page 17, line 14, in the authorization for the issuance of bonds, to strike out the numerals "$1,000,000,000" and insert in lieu thereof "$100,000,000." Upon reflection I may make it "$50,000,000." I shall not offer either amendment at this time.

The PRESIDING OFFICER. The clerk will state the next amendment offered by the Senator from Alabama.

The LEGISLATIVE CLERK. On page 18, line 5, after the words "the principal of", insert the word "or", so as to make the sentence read:

> In the event that the Corporation shall be unable to pay upon demand, when due, the principal of, or interest on, such bonds, etc.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment offered by the Senator from Alabama.

The LEGISLATIVE CLERK. It is proposed, on page 17, line 4, after the words "sums to be", to insert the word "so", so the sentence would read:

> Payments for such stock and other sums to be so transferred shall be made to the Corporation, etc.

The amendment was agreed to.

ALASKAN COLONIZATION BY F. E. R. A.

Mr. VANDENBERG. Mr. President, I hope I may have the attention of the able Democratic leader, the Senator from Arkansas [Mr. ROBINSON]. I wish to make a brief statement and then submit a resolution and ask unanimous

consent for its present consideration. I shall offer the resolution in behalf of the senior Senator from Wisconsin [Mr. LA FOLLETTE], the senior Senator from Minnesota [Mr. SHIPSTEAD], and myself.

One of the interesting, or at least novel, experiments which has been undertaken by Administrator Hopkins of the Federal Emergency Relief Administration is the transplanting of certain farm families from continental United States to Alaska. About 2,000 persons thus far, according to my information, have been transported to Alaska with the contemplation that they will be established in this new governmental community which is to be set up at a town called Palmer in Alaska.

My colleague the senior Senator from Michigan [Mr. COUZENS], who is necessarily absent from the Senate on account of illness, is in receipt of the following telegram from Palmer, Alaska, signed by Patrick J. Hemmer and Mrs. I. M. Sandvik, who sign themselves as representatives of the colonists. The telegram reads as follows:

PALMER, ALASKA, *June 15, 1935.*

Senator JAMES COUZENS, OF MICHIGAN,
Washington, D. C.:

Six weeks passed, nothing done. No houses, wells, roads, inadequate machinery, tools, Government food undelivered, commissary prices exorbitant, educational facilities for season doubtful. Apparently men sent to pick political plums. Irwin and Washington officials O. K. Hands tied. Colonists cooperating. Request immediate investigation.

PATRICK J. HEMMER,
MRS. I. M. SANDVIK,
Colonists' Representatives.

I know nothing about the reference in the telegram to "political plums", and I make no point of it.

I desire to supplement the telegram, however, by reading from a letter which was printed in the Detroit Times for June 18, written by one who signs herself as Mrs. Fred Rotz, who lived in Plymouth, Mich., until selected, with her husband and two children, to take part in the governmental colonist adventure. The letter from Mrs. Rotz, seemingly supporting the description in the telegram I have read, reveals the following alleged conditions:

1. Nearly every one of the 2,000 colonists is sick, some of the children suffering from measles and the adults infected with colds and severe attacks of bronchitis—yet there is but one physician and one nurse in the area.
2. The commissary is without medical supplies and a disastrous epidemic is feared by them.
3. Milk is so scarce it is limited to children less than 5 or 6 years of age.
4. There are many expectant mothers in the various camps who are without medical attention, and a request has been made that they be returned to Anchorage.
5. Instead of free groceries until they are self-sustaining, as the colonists say they were promised, everything purchased at the commissary is charged against the settlers and must be repaid in the future.
6. Prices at the commissary are not uniform, and some colonists believe they are being gouged.
7. Dissension already has resulted in removal of one executive.

Mr. President, it happens that most of these colonists came from Michigan and Wisconsin and Minnesota. Based upon the telegram which has been received at the office of my colleague [Mr. COUZENS], and based upon this letter from one of the colonists engaged in this adventure, it would appear to me essential, in the name of humanity, to inquire immediately into the facts involved. I make no pretense of supporting the information which I submit. I merely present to the Senate the information as it comes to us.

In connection with my remarks, I ask that the complete article from the Detroit Times be printed in the RECORD at this point.

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

The article is as follows:

[From the Detroit (Mich.) Times of Tuesday, June 18, 1935]

MICHIGAN PIONEERS ILL IN ALASKA—PLYMOUTH WIFE DESCRIBES PRIVATIONS IN FAR NORTH—"PRAY FOR US", MRS. FRED ROTZ WRITES FROM PIONEERS' PRIMITIVE CITY IN ALASKA; TELLS OF DISSENSION IN CAMP

From the tented town of Palmer in an Alaskan wilderness came this plea from former Michigan residents:

"Pray for us, dear folks, at home. We need the mighty hand of God in this undertaking, and the united prayer of people everywhere."

The plea was made in a letter from Mrs. Fred Rotz, who lived at Plymouth, Mich., until selected with her husband and two children to take part in the Government's attempt to colonize Alaska.

REVEALS CONDITIONS

Conditions revealed by Mrs. Rotz:

(1) Nearly every one of the 2,000 colonists is sick, some of the children suffering from measles and the adults infected with colds and severe attacks of bronchitis—yet there is but one physician and one nurse in the area.

(2) The commissary is without medical supplies and a disastrous epidemic is feared by them.

(3) Milk is so scarce it is limited to children less than 5 or 6 years of age.

(4) There are many expectant mothers in the various camps who are without medical attention, and a request has been made that they be returned to Anchorage.

(5) Instead of free groceries until they are self-sustaining, as the colonists say they were promised, everything purchased at the commissary is charged against the settlers and must be repaid in the future.

(6) Prices at the commissary are not uniform, and some colonists believe they are being gouged.

(7) Dissension already has resulted in removal of one executive.

There are 295 men, women, and children from Michigan among the 2,000 persons who are uprooting trees and building log homes in the Alaskan valley. Most of them are from northern counties of the lower peninsula and from the counties above the Straits of Mackinac.

Measles broke out while the colonists were aboard ship, they reported. Physicians at Seward, Alaska, where the boat docked, feared scarlet fever and the settlers were quarantined while tests were made.

Measles continued to spread among the children after the modern pioneers reached Palmer, where they are living in tents while constructing their homes.

"Everyone has a terrible cold, due to the change in climate and the cold, damp weather," Mrs. Rotz said. "We have had a few sunny days, but nights and mornings are chilly.

"Measles breaking out in different camps; Mrs. Ring has six children down with the disease, and so are the two children of Mrs. Davis (apparently Mrs. Rotz refers to Mrs. Harold Davis, of Lansing).

"All through the night you can hear children and adults coughing. There are several bad cases of bronchitis.

ONLY ONE DOCTOR

"There is only one doctor and one nurse to work among 2,000 of us. The doctor says other medical people did not come because of the low pay. He came here originally to work in C. C. C. camps.

"There are no medical supplies in the commissary. Therefore, families are unable to help themselves."

Mrs. Rotz told of a feud within the colony between Michigan and Wisconsin settlers on one side and families from Minnesota on the other.

"Due to poor management the Minnesota people get supplies and materials sent here for Michigan and Wisconsin families," she continued. "We hear rumors of changes to be made in management.

"We cannot get lard. Instead, we are able to purchase only a vegetable substitute. Meat is kept in a very insanitary condition in one big box. All meat and fish are piled into this box with a piece of ice. There is no ventilation, and one kind of meat or fish taints another.

"The man in charge of food supplies, however, is being recalled, and we expect improved conditions."

Regarding the commissary, Mrs. Rotz said in her letter:

"Complaints and proof have been shown that where one person was charged $1.50 for a dishpan, others were given the same article for $1. The same applies to canned goods. So there is a row.

"There is a great kick about wages. Colonists receive 50 cents an hour, regardless of occupation. Workers like carpenters and machinists brought here to help out get $1.25 and $1.50 an hour.

"The colonists are not paid in cash, but must trade it out or apply it on our $3,200 debt for 40 acres and farm equipment. We had been told we would not start paying this debt for 3 years.

"Lack of funds for many of the necessary things of life works a hardship, particularly among the expectant mothers. The latter have asked permission to return to Anchorage, where there is a Government hospital. Their husbands will be required to work out the bill.

COMMUNISTS IN CAMP

"Several agitators go around making things look worse than they are. There are Communists even here. Most of the men in charge are working their heads off to straighten things out. The trouble has been mismanagement.

"Cows and horses and farm machinery are fine. We will receive these supplies when the homes are built.

"It's a bigger undertaking than originally thought and, due to some conditions, it may cost precious lives and heartbreaks. We believe the Government is trying to do everything possible, but there have been so many blunders.

"The buildings are better than we expected, but most of the work remains for the future, as there is no cleared land, as we had supposed. Also the families have not been helped with their groceries until they become self-sustaining. Everything is charged up.

"These are not my personal opinions. I have described conditions as they exist."

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

Mr. VANDENBERG. Yes.

Mr. KING. There appeared in last night's Washington Star, or the Star of the evening before—I am not sure which—an article nearly two columns in length, going into great detail concerning the sufferings and the wretched, horrible conditions prevailing in the Territory to which the Senator refers. I have the clipping in my office, and I regret that I have not it here to put in the RECORD.

Mr. VANDENBERG. I thank the Senator for this added information. Apparently the situation is one which does require, in the name of simple humanity, some immediate attention.

I have no doubt that the administrative officers of the Government are somewhat familiar—they must be—with these conditions. It is not a pleasant contemplation. It seems to the Senator from Wisconsin [Mr. LA FOLLETTE] and to the Senator from Minnesota [Mr. SHIPSTEAD] and to me that the least we can do in the Senate, on our own responsibility, is to ask for a report upon these conditions, in order to determine precisely what are the facts, our hope being that the request for the information will inspire an added effort to mend whatever difficulties exist, if they do exist.

It is in that spirit, Mr. President, and for that purpose, that I offer the following resolution in behalf of the Senator from Wisconsin, the Senator from Minnesota, and myself:

Resolved, That Administrator Harry L. Hopkins, of the Federal Emergency Relief Administration, is requested to report to the Senate respecting the Alaskan colonization enterprise, with particular reference to the following considerations:

1. Present status of the colonization, including numbers and description of persons transported to Alaska, and from what States;
2. Nature and extent of accommodations provided for them;
3. Any information available respecting alleged lack of facilities and supplies necessary to protection of health and life; and
4. Nature and extent of present and prospective expenditures in this connection.

I take the liberty of asking for the present consideration of the resolution.

Mr. ROBINSON. Mr. President, I have no information touching the subject matter of the resolution other than that which has just been submitted and the statement I read in the press yesterday afternoon, which indicates a distressed condition upon the part of the people who have gone to Alaska. I think it appropriate that information regarding the matter should be supplied to the Senate.

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

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

Mr. BYRNES. I merely desire to ask the Senator from Michigan whether he has asked Director Hopkins for this information, or whether the Senator from Wisconsin [Mr. LA FOLLETTE] or the Senator from Minnesota [Mr. SHIPSTEAD] has done so.

Mr. VANDENBERG. It is my understanding that the office of my colleague [Mr. COUZENS] has sought information, and that the responses are rather vague.

Mr. BYRNES. The junior Senator from Michigan has not himself asked for the information?

Mr. VANDENBERG. I have not. I think it is a very appropriate thing for the Senate to ask for it officially.

Mr. ROBINSON. I do not intend to object to the consideration of the resolution.

The PRESIDING OFFICER. The Senator from Michigan, on behalf of himself, the Senator from Wisconsin [Mr. LA FOLLETTE], and the Senator from Minnesota [Mr. SHIPSTEAD], offers a resolution which has been read and for which he asks present consideration. Is there objection?

There being no objection, the resolution (S. Res. 158) was considered and agreed to, as follows:

Resolved, That Administrator Harry L. Hopkins, of the Federal Emergency Relief Administration, is requested to report to the Senate respecting the Alaskan colonization enterprise, with particular reference to the following considerations:

1. Present status of the colonization, including numbers and descriptions of persons transported to Alaska, and from what States;
2. Nature and extent of accommodations provided for them;
3. Any information available respecting alleged lack of facilities and supplies necessary to protection of health and life; and
4. Nature and extent of present and prospective expenditures in this connection.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. MCKELLAR in the chair) laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nomination of Brig. Gen. Francis Guy Ash, Adjutant General's Department, West Virginia National Guard, to be brigadier general, Adjutant General's Department, National Guard of the United States.

He also, from the same committee, reported favorably the nominations of several officers for appointment, by transfer, in the Regular Army.

Mr. KING, from the Committee on the District of Columbia, reported favorably the nomination of Richmond B. Keech, of the District of Columbia, to be a member of the Public Utilities Commission of the District of Columbia for a term of 3 years from July 1, 1935 (reappointment).

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

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the first nomination in order on the calendar.

NOMINATIONS PASSED OVER—POSTMASTER

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

The PRESIDING OFFICER. The present occupant of the chair asks that the nomination be passed over for the day.

DEPARTMENT OF COMMERCE

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

Mr. BYRNES. Mr. President, that nomination was passed over yesterday upon the request of the Senator from Nebraska [Mr. NORRIS], who has stated to me that he has no desire further to object to it, and that he was content to have the Senate act upon it.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

NATIONAL EMERGENCY COUNCIL

The legislative clerk read the nomination of Frank C. Walker, of New York, to be executive director.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Frank H. Foy to be State director, Massachusetts.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Jerome F. Sears to be State director, California.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Sveinbjorn Johnson to be State director, Illinois.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Charles J. Hardy to be State director, New York.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

CIVILIAN CONSERVATION CORPS

The legislative clerk read the nomination of Howard W. Oxley, of New York, to be director of camp education.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Silas M. Ransopher, of New York, to be assistant director, camp education.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

PUBLIC HEALTH SERVICE

The legislative clerk read the nomination of John W. Cronin to be assistant surgeon.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. ROBINSON. I ask that the nominations of postmasters on the calendar be confirmed en bloc.

The PRESIDING OFFICER. Without objection, 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 p. m.) the Senate, in legislative session, took a recess until tomorrow, Saturday, June 22, 1935, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate June 21 (legislative day of May 13), 1935

UNITED STATES ATTORNEY

John J. Morris, Jr., of Delaware, to be United States attorney, district of Delaware, vice Leonard E. Wales, resigned.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO QUARTERMASTER CORPS

Second Lt. Ralph Hemmings Davey, Jr., Infantry (detailed in Quartermaster Corps), with rank from June 10, 1932.

TO COAST ARTILLERY CORPS

Second Lt. Avery John Cooper, Jr., Field Artillery, with rank from June 13, 1933.

PROMOTION IN THE REGULAR ARMY

MEDICAL CORPS

First Lt. Arthur Eugene White to be captain, Medical Corps, from June 17, 1935.

PROMOTION IN THE NAVY

MARINE CORPS

Col. James T. Buttrick to be a brigadier general in the Marine Corps from the 14th day of May 1935.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 21 (legislative day of May 13), 1935

ASSISTANT SECRETARY OF COMMERCE

John Monroe Johnson to be Assistant Secretary of Commerce.

NATIONAL EMERGENCY COUNCIL

Frank C. Walker to be Executive Director of the National Emergency Council.

STATE DIRECTORS

Frank H. Foy to be State director of the National Emergency Council for Massachusetts.

Jerome F. Sears to be State director of the National Emergency Council for California.

Sveinbjorn Johnson to be State director of the National Emergency Council for Illinois.

Charles J. Hardy to be State director of the National Emergency Council for New York.

CIVILIAN CONSERVATION CORPS

Howard W. Oxley to be director of camp education, Civilian Conservation Corps.

Silas M. Ransopher to be assistant director of camp education, Civilian Conservation Corps.

PUBLIC HEALTH SERVICE

John W. Cronin to be assistant surgeon, to take effect from date of oath.

POSTMASTERS

IOWA

Eunice Hamilton, Bedford.
William A. Fiester, Brandon.
John H. Schulte, Breda.
Thelma Allen, Harris.
John L. Harrison, Hornick.
Glenn C. Teeter, La Porte City.
William F. Gaddis, Lovilia.
Bessie E. Sykes, Maynard.
Gay S. Morgan, Milton.
John R. Willmott, Oto.
Arend Balster, Jr., Scotch Grove.
Clara L. Chansky, Solon.
John Hynek, Tama.

MARYLAND

Howard Raymond Hamilton, Cardiff.
Margaret T. Johnson, College Park.
W. John Einwachter, Perry Point.
Francis H. Blake, Sparks.

MISSOURI

Ella B. Newman, Desloge.
William R. Doss, Kimmswick.
Myrtie P. Chastain, Koshkonong.
Sam G. Downing, Malden.
Champ C. Ray, Middletown.
Edward H. Mertens, Morrison.
Helen T. Meagher, Oregon.
Edith E. Highfill, Thayer.

MONTANA

Teddie Martin, Alberton.
Prince A. Mowbray, Brady.
Sophia J. Guthrie, Reedpoint.

NEW YORK

John M. O'Keefe, Addison.
Verner Sharp, Altamont.
Ruth M. Marleau, Big Moose.
Josephine Adams, Blue Point.
Seth B. Howes, Brewster.
Eber T. McDonald, Cayuga.
Andrew R. Schmitt, Cheektowaga.
Katharine G. Bement, Clifton Springs.
Laura M. Sullivan, Dundee.
John J. Finnegan, Fairport.
Henry T. Farrell, Indian Lake.
Clifton R. Ericsson, Kennedy.
Burton D. Calkin, Lake Huntington.
Edward Hart, Lake Placid Club.
George R. Hunter, Pine Plains.
Grace M. Dibble, Richmondville.
Leon L. Baker, Willsboro.

NORTH CAROLINA

Henry L. Avent, Buies Creek.
Thurla Cole, Cameron.
Joseph C. Peed, Creedmoor.
William C. Stockton, Ellenboro.
Riddick W. Gatling, Gates.
Robert G. Creech, La Grange.
Lula G. Harris, Macon.
James A. Barnes, Middlesex.
Michael B. Kibler, Morganton.
Frances G. Thompson, Morven.
Margaret T. Ledbetter, Polkton.
Thomas L. Maness, Star.
Jewell Ballentine, Varina.
Bertie L. Matthews, Vass.

WASHINGTON

Kenneth K. King, Addy.
Hannah L. Parker, Alderwood Manor.
Ernest H. McComb, Everson.
John H. McAfee, Ilwaco.
Mary Mallory, Mansfield.
Arthur A. Barnes, Pasco.
Bertha H. Welsh, Prescott.
Jessie A. Knight, Shelton.
Richard H. Lee, Wilsoncreek.

HOUSE OF REPRESENTATIVES

FRIDAY, JUNE 21, 1935

The House met at 12 o'clock noon.

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

Father in Heaven, we thank Thee that there is no cry so faint, no cause so weak, and no man so humble as to be beyond divine sympathy. We rejoice that all distinctions are swept away. O welcome those who wish for Thee and live with those who long for Thee. Bless us with the more abundant life which is to heal wounds, lead others to hidden truth, open new realms of thought and new vistas of hope. Subdue in us any arrogant motives of self-interest and fits of temper—they disturb and even defeat our usefulness; they so often dull the finer instincts and crush the more compassionate feelings. Let the streams that flow from the fountains of heavenly grace flood our lives and fructify our minds. In our Savior's name. Amen.

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

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate disagrees to the amendments of the House to the bill (S. 1958) entitled "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", requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. WALSH, Mr. MURPHY, Mr. MURRAY, Mr. BORAH, and Mr. LA FOLLETTE to be the conferees on the part of the Senate.

CALL OF THE HOUSE

Mr. RANKIN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present.

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

A call of the House was ordered.

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

[Roll No. 100]

Andresen	Dickstein	Marshall	Shannon
Bacon	Dorsey	Mitchell, Ill.	Sisson
Bankhead	Doutrich	Murdock	Smith, Conn.
Brooks	Fish	Oliver	Smith, Va.
Brown, Mich.	Gassaway	Palmisano	Sweeney
Buckley, N. Y.	Gifford	Patman	Tobey
Bulwinkle	Hartley	Patton	Tolan
Cannon, Wis.	Hennings	Perkins	Underwood
Casey	Kopplemann	Pettengill	Whelchel
Celler	Lamneck	Peyser	White
Chapman	Larrabee	Polk	Whittington
Cochran	Lea, Calif.	Richards	Wolcott
Connery	Lewis, Md.	Rogers, N. H.	Wood
Cooper, Ohio	McClellan	Russell	
Dear	McGroarty	Seger	

The SPEAKER. Three hundred and seventy-one Members have answered to their names, a quorum.

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

The motion was agreed to.

SESSION OF COMMITTEE ON MILITARY AFFAIRS

Mr. McSWAIN. Mr. Speaker, on behalf of the Committee on Military Affairs, I ask unanimous consent that that committee may sit today during the session of the House after half-past 2.

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

There was no objection.

REPORTS FROM COMMITTEE ON RULES

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent that the Rules Committee may have until midnight tonight to file several reports from that committee.

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

There was no objection.

SCHUYLER MERRITT

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point and include therein a citation given to our colleague from Connecticut, SCHUYLER MERRITT, on receiving the degree of LL. D. from Yale University at its two hundred and thirty-fourth commencement at New Haven on June 19. [Applause.]

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

There was no objection.

The citation referred to follows:

SCHUYLER MERRITT, LL. D.

Professor NETTLETON. Dean of the Connecticut Congressional delegation; hardy, and well-nigh perennial. Representative at Washington of the Fourth Connecticut District; even more firmly seated in the constant affection of a constituency which gladly transgresses party law and local limits. Born in New York City, but, after a single experimental year, withdrawing to Connecticut, he made Stamford his immediate home and Yale his future college, graduating in the class of '73, and taking his law degree from Columbia. For 50 years and more he has followed, as he has set, the highest standards of professional and public service, mating knowledge with integrity, and manhood with modesty. At home, administrator of civic charities, schools, and libraries; within the State, member of the convention which importantly revised the constitution, and chairman for 10 years of the Connecticut Board of Education; in Congress, valued member of the Interstate and Foreign Commerce Committee; ever an active agent of the common weal, fulfilled in the honors of half a century, but pressing forward with unclouded vision and unfaltering energy. It was written of an elder lawgiver who led the people out of the wilderness that, though he long outlived a century, "yet was not his eye dim, nor his natural force abated." May this be the law and the prophets. Quod bonum, felix, faustum, fortunatumque sit.

President ANGELL. Sturdy son of a sturdy stock, you have long and faithfully represented in the Halls of Congress the finest qualities of your native State. Shrewd wisdom, integrity, industry, unflinching honor, and the spirit of fair play—these have ever characterized your varied forms of public service and have justly won for you the admiration of friend and foe alike. Your alma mater, proud of your distinguished record, confers upon you her highest honor, the degree of doctor of laws, admitting you to all its rights and privileges.

CHARLES A. LINDBERGH

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

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. LUDLOW. Mr. Speaker, a few moments ago I read in an afternoon newspaper that Col. Charles A. Lindbergh, in his unobtrusive way, is achieving great results in a new field of service with which his name has not heretofore been associated. It seems that this modest, unassuming pioneer of the air is pushing forward toward new frontiers, this time in the field of scientific research, which recalls to my mind a flood of memories of one of the most extraordinary characters of American history.

Eight years ago this month, on his return from his epochal flight to Paris, it was my duty and responsibility, as president of the National Press Club, to introduce him at the Washington Auditorium to what I believe was the largest audience ever assembled under one roof at the Nation's Capital. By unanimous consent of the House, I am going to insert in the CONGRESSIONAL RECORD the speech I made on that occasion. It was as follows:

Mr. Chairman, ladies, and gentlemen, not for ages has the imagination of man been stirred as it was 3 weeks ago when Charles A. Lindbergh, fired by the intrepid spirit of the Western World, launched forth in his airplane alone, provisioned with four sandwiches and a bottle of water, a pioneer of the trackless seas. As America's shores receded in the distance he faced a vast wilderness of treacherous ocean.

As if roiled by the very boldness of this Columbus of the air—this winged Mercury, speeding like a thunderbolt of Jove—nature sent her tempestuous elements athwart his path, and while he battled with the storm and sleet millions upon millions of his fellow beings sent up prayers for his safety to the throne of God. The 33 hours and 30 minutes from New York to Paris was a period of tragic suspense, when the whole world poured forth in a myriad of mystic ways its admiration for the incomparable aviator and its love for the mother who had brought forth such a boy.

To him mountains of peril were as nothing. His faith was buoyant and his hopes were high. Courage was his woof and fiber, and it is not difficult to imagine that stern fate, surprised by this peremptory challenge of her inexorable decrees, lifted her beetled brows and was touched by the very sublimity of his heroism, for she gave him a sporting chance.

And when he reached the other shores he arose to another test of character as greatly as when he battled with time and the elements.

Amid all of the adulations of kings and parliaments he remained a modest, unassuming American, an honor to his home country, an ambassador of good will, doing more to foster amity between nations than could have been done by a thousand ministers of state.

"After all," he said in London, "two Britishers were the first to fly across the Atlantic." Again, when he learned that Chamberlin had started on the long flight, he remarked fervently, "I hope he makes it." Here he struck the major chord of his character in his desire to give to his comrades at home and across the seas a share of his imperishable glory. And when, in foreign lands, the ties of home began to press and strain against his heart and he confessed, in simple truth and sincerity, to being homesick, how America did yearn to take him to her bosom!

His name is now among the immortals. Around the firesides and in the vast, crowded halls of the future, wherever worth is recognized and genius is extolled, his achievement will be recalled with pride by countless generations yet unborn. Nothing finer could have been done; nothing grander could have been done; no greater epic could have been written into history, and tonight we thank Almighty God that in His infinite goodness and mercy He has permitted Charles A. Lindbergh to return to the arms of those who love him.

I now present Colonel Lindbergh.

Mr. Speaker, nothing has happened during the last 8 eventful years to mar the prophecy which I uttered on that occasion or to shake the Nation's faith in this remarkable young man. Although his life has been seared by one of the cruelest tragedies ever known in all the annals of crime, he goes serenely on trying to do good and seeking by a record of service to justify his existence in a world where there is always so much worth while to be done by those with righteous minds and willing hands.

Mr. Speaker, the news that Colonel Lindbergh is seeking through scientific research to ameliorate the condition of mankind once more stamps him as a man of purpose, as a many-sided genius who is described by his collaborator, Dr. Alexis Carrell, as possessing one of the "keenest and most intuitive and inventive minds." He does not need to do these things to win immortality, for immortality almost beyond comparison is his already. He does them because he loves his fellow men.

Mr. Speaker, since that other June, now rapidly fading into the mists of the past, when the youthful Charles A. Lindbergh returned amid riotous acclaim from Paris to a Nation that for the time had banished every other thought except the thought of throwing her arms around him, I have met him often, under diverse conditions and varying circumstances, and I have never ceased to admire him for his sincerity, for his determination, for his freedom from commercialism, for his altruism which has prompted him to devote his life's efforts to the common good and for the fact that under conditions that would have turned the heads of less well-poised mortals he has always remained a simple, true American, utterly free from affectation, courting no favors from the rich and powerful and standing on the principle that "a man's a man, for a' that", whether that principle be applied to those who dwell in hovels or in palaces. Every time I look at him I say to myself:

He has walked with kings, nor lost the common touch!

RAILROAD REORGANIZATION LEGISLATION

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until midnight tonight to file a report on the bill, H. R. 8587, the railroad reorganization bill.

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

There was no objection.

CLARENCE HERBERT PELTIER

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (H. R. 669) for the relief of Clarence Herbert Peltier and that the bill be referred to the Committee on Naval Affairs.

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

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

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

The SPEAKER. The Chair hopes the gentleman will withdraw that request. The Chair will not recognize Members to make speeches until after the Committee on Appropriations has concluded its business.

Mr. McLAUGHLIN. I will withdraw the request, Mr. Speaker, and I ask unanimous consent for the immediate consideration of a joint resolution which I have introduced.

The SPEAKER. The Chair hopes the gentleman will withhold that request until after the consideration of the appropriation bill.

Mr. McLAUGHLIN. I will withdraw the request, Mr. Speaker.

SECOND DEFICIENCY APPROPRIATION BILL, 1935

Mr. BUCHANAN. 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 (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.

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 H. R. 8554, with Mr. HANCOCK of North Carolina in the chair.

The Clerk read the title of the bill.

The Clerk read as follows:

TENNESSEE VALLEY AUTHORITY

For the purpose of carrying out the provisions of the act entitled "The Tennessee Valley Authority Act of 1933", approved May 18, 1933 (48 Stat. 58), including the acquisition of necessary land, the clearing of such land, relocation of highways, and the construction or purchase of transmission lines and other facilities, and all other necessary works authorized by said act, and for printing and binding, law books, books of reference, newspapers, periodicals, purchase, maintenance, and operation of passenger-carrying vehicles, rents in the District of Columbia and elsewhere, and all necessary salaries and expenses connected with the organization, operation, and investigations of the Tennessee Valley Authority, $34,675,192: *Provided*, That this appropriation and all appropriations, allotments, and other funds made available heretofore to the Tennessee Valley Authority, including any unexpended balances remaining from the appropriation of $50,000,000 made to the Tennessee Valley Authority by the Fourth Deficiency Act, fiscal year 1933, the allocation of $25,000,000 made to the Tennessee Valley Authority under the Emergency Appropriation Act, fiscal year 1935, and the receipts of the Tennessee Valley Authority from all sources, except as limited by section 26 of the Tennessee Valley Authority Act approved May 18, 1933 (48 Stat. 58), shall be covered into and accounted for as one fund to be known as the "Tennessee Valley Authority Fund" and shall remain available until June 30, 1936.

Mr. McLEAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McLEAN: On page 48, line 16, after the figures "1936", insert the following:

"All moneys of the Corporation of whatsoever nature hereafter received by or for the Corporation shall be immediately and without diminution deposited and covered into the Treasury of the United States, and such portion thereof as is authorized by the Tennessee Valley Authority Act of 1933, as amended, or other law, to be used by said Corporation in carrying out the provisions of said act, as amended, shall be transferred to an appropriate appropriation account, withdrawable only on warrant as are other appropriated public moneys, and subject to authority specifically granted by the Tennessee Valley Authority Act of 1933, and as amended, all laws regulating the obligating or expenditure of other public moneys shall be applicable thereto: *Provided*, That the provisions of section 3709, Revised Statutes, shall be applicable to purchases of supplies and equipment necessary for dam construction. Accounts of all transactions involv-

ing receipts or disbursements of the Corporation shall be duly rendered to the General Accounting Office at such times and in such substance and form as may be prescribed by the Comptroller General of the United States, and said accounts and such claims as may arise shall be settled and adjusted by the General Accounting Office under and pursuant to the provisions of title III of the Budget and Accounting Act approved June 10, 1921: *Provided*, That the expenses of such portion of the audit as the Comptroller General may authorize to be done in the field shall be paid from moneys advanced therefor by the Corporation, or from any appropriation or appropriations for the General Accounting Office, and appropriations so used shall be reimbursed promptly by the Corporation as billed by the Comptroller General. In such connection the Comptroller General and his representatives shall have free and open access to all papers, books, records, files, accounts, plants, warehouses, offices, and all other things, property, and places belonging to, under the control of, or used or employed by the Corporation, and shall be afforded full facilities for counting all cash and verifying transactions with the balances in depositaries. The officers of the Corporation to whom moneys may be advanced on accountable warrant shall each give a bond to the United States for the faithful discharge of the duties of his office according to law in such amount as shall be directed by the Comptroller General. Should there be any administrative delinquency in the rendering of the accounts as directed, or any unsatisfactory condition of the accounts, requisitions for funds shall be disapproved by the Comptroller General unless, for good cause shown, he shall elect to withhold such disapproval."

Mr. BUCHANAN. Mr. Chairman, I make the point of order against the amendment that it is legislation on an appropriation bill and changes existing law.

The CHAIRMAN. Does the gentleman from New Jersey [Mr. McLEAN] desire to be heard on the amendment?

Mr. McLEAN. Mr. Chairman, the amendment really changes only to a limited extent the language of the committee amendment by limiting the manner in which the funds of the Tennessee Valley Authority shall be spent under the jurisdiction of the Comptroller General; and it makes the money applicable only to such disbursements as are made as a result of competitive bidding and not as a result of negotiated contracts, as has been the practice of the Tennessee Valley Authority. My amendment is purely a limitation on the activities of the agency to which this money is to be given.

Mr. TABER. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will be pleased to hear the gentleman.

Mr. TABER. This amendment is not only a limitation upon the funds carried in this bill which are in effect reappropriated, but it is also germane to the language of the bill covering the full appropriations that have been made for this purpose into one fund. It is, also, a direction as to how and in what manner the funds shall be accounted for.

By the rule under which we are proceeding in the consideration of this bill, anything germane to the language of the bill is made in order, and I believe the gentleman's amendment in its entirety is in order.

Mr. RANKIN. Mr. Chairman, I desire to be heard on the point of order.

The CHAIRMAN. The Chair will be pleased to hear the gentleman on the point of order.

Mr. RANKIN. In answer to the argument of the gentleman from New Jersey [Mr. McLEAN] and the gentleman from New York [Mr. TABER], I maintain that the amendment of the gentleman from New Jersey goes far beyond the effect claimed for it. The amendment changes existing law and is, therefore, legislation on an appropriation bill and entirely out of order, as pointed out by the gentleman from Texas.

The CHAIRMAN. The Chair is of the opinion that the point of order is well taken. The Chair bases this conclusion upon a ruling handed down by the gentleman from Connecticut [Mr. Tilson], while presiding over a Committee of the Whole. At that time and in a similar case it was held that although the amendment then offered was germane it contained additional legislation beyond the jurisdiction of the Committee on Appropriations.

The Chair believes that this amendment is germane but that it proposes additional legislation which is a subject matter ordinarily coming within the jurisdiction of the Committee on Military Affairs.

The point of order is sustained.

Mr. TABER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER: On page 48, line 16, strike out "$34,675,192" and insert in lieu thereof "$28,675,192"; page 48, line 16, strike out the period, insert a colon and the following: "*Provided*, That none of the funds herein or elsewhere made available to the Tennessee Valley Authority or the Tennessee Valley fund shall be used for the construction of any new dam or power lines until further action by Congress."

Mr. BUCHANAN. Mr. Chairman, I make the point of order against the amendment that it is additional legislation on an appropriation bill and changes existing law, for it broadens the language of the pending bill by use of the words "or elsewhere."

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. TABER. I desire to be heard briefly, if the Chair please. The first portion of the amendment to the effect that none of the funds shall be available for the construction of any new dam or power lines until further action by Congress, is purely a limitation and strictly within the Holman rule.

Mr. BUCHANAN. Mr. Chairman, the word "elsewhere" used in the amendment constitutes additional legislation.

The CHAIRMAN. The Chair is ready to rule.

In the opinion of the Chair, while the amendment is in the form of a limitation, yet the words "or elsewhere" contained in the amendment apply to other appropriations, and is therefore legislation; and for this reason the point of order is sustained.

Mr. TABER. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER: On page 48, line 16, strike out "$34,675,192" and insert in lieu thereof "$28,675,192", and on page 48, line 16, strike out the period, insert a colon, and the following:

"*Provided*, That none of the funds herein made available to the Tennessee Valley Authority or the Tennessee Valley fund shall be used for the construction of any new dam or power lines until further action by Congress."

Mr. TABER. Mr. Chairman——

Mr. BLANTON. Mr. Chairman, a point of order before the gentleman argues this matter.

Mr. BUCHANAN. Mr. Chairman, I make the point of order that the amendment is out of order because the use of the word "fund" implies funds not carried in the pending bill.

Mr. BLANTON. Mr. Chairman, I desire to make a further point of order against the amendment before the gentleman from New York begins his argument.

Mr. TABER. Mr. Chairman, I wish to submit a unanimous-consent request.

Mr. BLANTON. Mr. Chairman, I want to make a further point of order against the amendment before any proceedings intervene.

The CHAIRMAN. The gentleman will be heard on the point of order.

Mr. BLANTON. Mr. Chairman, I make the further point of order that the amendment constitutes a change in existing law unauthorized on an appropriation bill, in that the present law authorizes these funds to build dams.

Mr. RANKIN. And transmission lines.

Mr. BLANTON. And transmission lines. The gentleman's amendment seeks to change existing law, and this cannot be done in an appropriation bill.

Mr. TABER. Mr. Chairman, I notice there is a mistake in the amendment I sent to the Clerk's desk. I intended to say, "On page 48, line 2, strike out '$34,000,000' and insert '$28,000,000.'"

Mr. Chairman, I ask unanimous consent that the amendment may be so modified.

The CHAIRMAN. Without objection, the amendment will be modified as requested.

There was no objection.

Mr. TABER. Mr. Chairman, has the point of order been disposed of?

The CHAIRMAN. The point of order is still pending.

Mr. BLANTON. Mr. Chairman, the point of order is lodged also against the modified amendment.

The CHAIRMAN. That is correct.

Mr. RANKIN. What is the gentleman's amendment?

Mr. TABER. It changes the line reference; I had the wrong line.

The CHAIRMAN. The Chair will hear the gentleman from New York on the point of order.

Mr. TABER. Mr. Chairman, the amendment in its present form is a limitation applying solely to funds herein appropriated.

There is absolutely no question but what it is entirely a limitation upon the language that already appears in the bill as read. I can see no reason for sustaining the point of order.

The CHAIRMAN. The Chair is ready to rule.

The Chair takes the position that the amendment is a limitation; therefore the point of order is overruled.

Mr. TABER. Mr. Chairman, the Tennessee Valley Authority proposes with the funds that are herein made available to start work, as I understand it, upon two dams, known as "Chickamauga" and "Guntersville." These dams are quite expensive propositions. The total cost of these dams when completed, will be $27,000,000. If we start construction we will have to finish them.

Mr. Chairman, we have gone already ahead and started to build four dams, the Wheeler Dam, the Pickwick Dam, the Norris Dam, and the Wilson Dam. When those dams are completed some kind of a size-up may be then made as to whether there is any possible excuse for more dams. We are also in the process of constructing a lot of power lines. There is now an injunction suit pending to prevent the Tennessee Valley Authority engaging in the power business. Whether or not that will be sustained in the Supreme Court no one knows.

The only possible excuse for these dams is to control the flood situation at Chattanooga.

May I say that Engineering Document No. 328, page 188, shows the flood situation. It is expected that the Norris Dam will cut off a very large portion, if not all, of the flood damage that will accrue to Chattanooga. Personally, I believe it will. Why should we go ahead and appropriate money for more dams until we find out whether it will or not? If we go head and spend $17,000,000 for the Chickamauga Dam we have that much money invested. There is not navigation enough there to justify such an expenditure. It is not a power proposition, because the Pickwick Dam and the Wheeler Dam are not now equipped with a power house, with generators or with wheels to generate power. The Commission itself, even in the way it is being managed, recognizes that there is not demand enough to justify that sort of thing. Therefore we ought to stop the further construction of power lines or dams until we find out what the situation is going to be. We ought to stop this until we find out whether or not the Chattanooga situation is going to be entirely corrected, because that is the only excuse for the Chickamauga Dam or any of the others.

Mr. MAY. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Kentucky.

Mr. MAY. We ought to at least make the Tennessee Valley Authority submit a report or give an estimate of what these things are going to cost before they are permitted to go ahead and start construction?

Mr. TABER. Frankly, may I say I think we have a statement from them as to what these dams will cost; but we ought to have a picture of this whole situation, and whether or not it can be made to operate successfully.

According to their own statement, which appears in the RECORD, it will cost at least $192,000,000 to build the dams which they want to build, and in 1941 the only revenue they expect to receive will be about $5,000,000, which would not more than half pay the depreciation charges, not alone the interest on the money invested. We are already in this thing. We have a lot of power available out of the Norris and Wilson Dams to sell. Now, let us find out what the constitutional situation is with reference to the right of the Government to go ahead and sell power. Let us find out what the flood-control situation is going to be before we go ahead and fool away a lot more money.

[Here the gavel fell.]

Mr. McREYNOLDS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman's contention against building these dams is that we do not know the situation in Chattanooga as to the floods and consequently we ought to wait. If you want a picture of the flood situation in Chattanooga during different floods, there it is [displaying a large picture]. Practically all the city was covered with water in 1917. The gentleman from New York knows that the proof produced shows that the building of the Norris Dam will lower the flood stage 6 feet, and that the Chickamauga Dam will lower it 3½ feet. We do not have to wait until my city is swept from the banks of the Tennessee River to have the proper proof of need for protection, and no one on the committee knows the situation better than the gentleman from New York. Here is a picture of flood stage there of 47 feet and 35 feet. You can see the serious troubles we may have by this blue print. We do not have to wait.

Mr. Chairman, this is the usual old cry of the Republican Party in trying to defeat the construction of these dams on the Tennessee River. There is not a dam included in this appropriation which was not approved by the Congress in 1932. I regret the fact that they on the other side are trying to make this a party measure. You know they tried to junk the Wilson Dam because it was named after that great President of the World War, Woodrow Wilson. [Applause.]

We passed bills some two or three times disposing of Muscle Shoals, and the Cove Creek Dam, and it was vetoed by Hoover and by Coolidge. The reason we have authority to construct these dams now is because Franklin D. Roosevelt was elected President.

Mr. Chairman, if the Membership votes to amend this appropriation, if they interfere with it in any way, it will be a strike at the administration. I appeal to the Democrats to uphold the Appropriations Committee in passing this appropriation as it is. It has already been cut down from the Budget estimate of $60,000,000 to $34,000,000. It provides for the commencement of these two dams, Guntersville and Chickamauga, which are necessary for the navigation of the Tennessee River. It is necessary to control the flood situation existing in my city, and may I say that the average damage to that city, as estimated over a period of years, is $687,000 per year. Then they tell me to wait to see whether or not we need this dam. I say again that the gentleman from New York knows the situation, because the proof was offered before his committee, and he is thoroughly familiar with the situation. I ask the Democrats to stand by the administration and to stand by these dams that in 1932 were endorsed by the Congress for the improvement of navigation in the Tennessee River, for flood control, and to create power.

Mr. TAYLOR of Tennessee. Will the gentleman yield?

Mr. McREYNOLDS. I yield to the gentleman from Tennessee.

Mr. TAYLOR of Tennessee. Eliminating the problem of flood control, if the Tennessee River is to be made navigable, these dams are necessary?

Mr. McREYNOLDS. Absolutely necessary. These dams will make the Tennessee River available for navigation for 71 miles above Chattanooga. There is nothing, in my opinion, that has come before this House with more merit than this item in the pending appropriation bill.

I appeal to you not to let them cut the amount one cent or put one modification upon it. It aids the South, but it aids the entire United States as well. [Applause and cries of "Vote."]

Mr. STARNES. Mr. Chairman, I rise in opposition to the pro forma amendment. Mr. Chairman, we have opposition to this section of the proposed measure from two sources. The first is political in its nature; certain members of the

Republican Party oppose it because the Tennessee Valley Authority is the brain child of Franklin D. Roosevelt, the greatest leader of modern times. The other source of opposition is from the electric utility and coal companies. If we brush aside the curtain of suspicion and misrepresentation we see the directing hand of the utility companies of this country. They read the handwriting on the wall. There has been a great deal of misleading information brought to this House, as well as a distortion of the facts with reference to the aims and purposes of the T. V. A. We have been told it is not necessary to build the Guntersville or the Chickamauga Dams at this time. They overlook the fact that these two dams are primarily for the purpose of developing navigation and to provide flood control. The Army engineers estimate that there is an annual loss from floods of $1,784,000 each year on the Tennessee River alone. If we consider the loss on the tributaries, the amount will be increased. A total acreage of 666,154 is inundated each year.

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

Mr. STARNES. Gladly.

Mr. RANKIN. This is also a most insidious move to try to paralyze the Tennessee Valley Authority by preventing the building of power lines to carry on its work.

Mr. STARNES. Absolutely.

With reference to the question of navigation, the Pickwick Dam, the Wheeler Dam, and the Wilson Dam will bring 9 feet of navigable water to Guntersville, Ala. Guntersville is in the heart of the Tennessee River Valley. Chattanooga and Knoxville and the great industrial area lying back of these cities are approximately 120 and 250 miles to the northeast. It is absolutely essential that the Guntersville Dam be built next in order to open navigation to a 7-foot stage to the city of Chattanooga, Tenn. This dam will also assist in flood control and provisions can be made for developing power when needed.

These two dams are essential to this program, and I hope the Committee will vote down the amendment offered by the gentleman from New York.

Mr. HILL of Alabama. Mr. Chairman, will the gentleman yield?

Mr. STARNES. I yield.

Mr. HILL of Alabama. As a matter of fact, there can be no economic development of this entire project without these two dams.

Mr. STARNES. Absolutely not. This is the heart of the program.

We must not overlook the fact that in addition to the development of navigation the T. V. A. program embraces the prevention of soil erosion, reforestation, the development of cheaper power, the manufacture of cheaper fertilizer, and provisions for the national defense. This program is the most far-reaching plan in the history of this Nation for the betterment of the social and economic condition of the people of this Nation. It is absolutely essential that the T. V. A. have an opportunity to develop the program unhampered by unnecessary litigation, unnecessary political sniping, and legislation which will restrict its operations to a point where the directors cannot function. I hope the Committee will vote down the amendment. [Applause.]

I have unbounded confidence in the ability, honor, and integrity of the directors of the T. V. A. They are men who have a passion for service. Each is an outstanding leader in his particular activity. The plans and aims of the Authority are in line with the legislative will of the Congress as expressed in the original T. V. A. Act.

Members of Congress realize that this is not a local nor a sectional program. The Tennessee Valley covers an area of approximately 42,000 square miles and has a population of two and a quarter million. The area touches upon seven southeastern States. There is a wide variety of natural resources in this region. The T. V. A. proposes to utilize these resources to better the social and economic condition of the people in this region and to demonstrate to the people of the Nation that similar programs can be successful anywhere in our country.

Although this region has a fine native white-stock population and an infinite variety of natural resources and unlimited power possibilities, private utilities and private industry, of which the opposition so glibly prate, have failed to develop this section and by obstructionist tactics would prevent the proper development of this great region by the T. V. A.

The program of the T. V. A. is essentially a program of utilization and conservation. It is time for the people of this country to realize that in order to continue the march of progress we must utilize our vast natural resources and conserve them for future generations. In this manner, and in this manner only, can we properly fulfill our destiny. [Applause.]

Mr. ANDREWS of New York. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, the Military Affairs Committee of the House has been holding hearings on this T. V. A. proposition for over 4 months.

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

Mr. ANDREWS of New York. Yes.

Mr. RANKIN. Have they not really been holding an inquisition on the T. V. A.?

Mr. ANDREWS of New York. I think they have.

Mr. RANKIN. Yes; I think so, too.

Mr. ANDREWS of New York. I may say to the Committee that the early edition of the hearings, which included the testimony given to the House committee during the months of February and March, has been published. The more important and more illuminating hearings by the House Military Affairs Committee were held on this subject during the months of April and May. In accordance with the usual courtesy of a congressional committee, a transcript of these hearings was sent to Messrs. Morgan and Lilienthal over 2 weeks ago for their correction. The bill in its entire form is coming before the House next week, and I believe I am correct when I state that your Chairman of the Military Affairs Committee wired Mr. Lilienthal and Mr. Morgan 2 days ago requesting a return of this transcript so that these hearings may be printed and available to Members when the House bill is considered. I know, as a matter of fact, that at least up to an hour ago the transcript of the hearings had not been received in the Military Affairs Committee, and we had not had even the courtesy of a reply to the request by wire. I here and now call upon Mr. Morgan and Mr. Lilienthal to return the transcript of these hearings by next Monday morning so they may be published by the Military Affairs Committee.

Mr. RANKIN. Mr. Chairman, let me say to the gentleman from New York [Mr. ANDREWS] that Dr. Morgan will be here next week with this transcript. He is not holding it out. There was so much information called for in the examination of the directors of the T. V. A. that it is taking some time to get it up.

The object of this amendment is to harass the T. V. A. It is an insidious movement on the part of the Power Trust, by indirection, through their friends in Congress, to try to hamper the work of the Tennessee Valley Authority in order that they may not be able to do the very things we provided in the law of 1933. It is an attempt to prevent their building the transmission lines necessary to keep from being bottled up by the Power Trust and to destroy the great work the T. V. A. is now doing.

I have seen what has been going on before this Committee on Military Affairs, and I have seen the outrageous inquisition to which Dr. Morgan has been subjected at the hands of those men who are more in sympathy with the Power Trust than they are with the American people.

I want to take this occasion to say that one of the great men of this Republic, one of the great men of this day, is Dr. Arthur E. Morgan, of the Tennessee Valley Authority. I believe he is the greatest constructing engineer on this continent.

If Dr. Morgan had been financially minded, he might have become a multimillionaire. He might have gone to England and become a resident there—as another great engineer did. He might have gone to Australia and got rich exploiting the people of Australia. He might have gone

to China and transported Chinese coolies to South Africa to die under the burning rays of an African sun and made a fortune in that way, regardless of the condemnation of the British courts.

He might have become food administrator and come back here heralded as a great humanitarian as well as a great engineer.

He might have become a Republican candidate for President, after he decided which party he belonged to, and been heralded as a great statesman, a high-powered intellect, a superman, and organizing genius, who could put 2 cars in every garage and 2 chickens in every pot. [Laughter and applause.]

After the failure of his administration, he might have been found groveling among the grass roots of the drought-stricken area, seeking for an issue or searching for an alibi. [Applause.]

But Dr. Morgan chose to devote his life to building up America.

If you want to know whether he has been successful, go to the people along the Miami River in Ohio, where formerly thousands of men, women, and children were drowned, and see what this great man has done there in protecting those people from such disasters in the future.

I resent these insinuations against Dr. Morgan by Members of Congress who are more in sympathy with the Power Trust than they are with the American people. I never met a more earnest, firm, patriotic man in my life than Dr. Morgan. He will bring the records here, and when you bring this bill out on the floor of the House the Congress of the United States will be here to take care of it. [Applause.]

Mr. MAY. Mr. Chairman, I move to strike out the last three words.

Mr. BUCHANAN. Mr. Chairman, I move that all debate on this amendment be closed in 5 minutes.

Mr. McLEAN. O Mr. Chairman, I reserve the right to object.

The CHAIRMAN. No unanimous-consent request is pending. The question is on the motion of the gentleman from Texas.

Mr. McLEAN. Mr. Chairman, in view of the statements that have been made, I think I am entitled to be heard for 5 minutes.

Mr. BUCHANAN. Mr. Chairman, in view of the fact that three Members have spoken against the amendment and two for it, I shall change my motion and move to close debate in 10 minutes.

The CHAIRMAN. The question is on the motion of the gentleman from Texas, that all debate upon this amendment close in 10 minutes.

The motion was agreed to.

Mr. MAY. Mr. Chairman, in view of the statement made by my distinguished friend from Mississippi [Mr. RANKIN] I am impelled to take a position on the floor of the House, though I do so most reluctantly, because of the request of my good friend and colleague from Tennessee [Mr. McREYNOLDS], who is personally interested in one of these dams. For months the House Committee on Military Affairs, which is the legislative committee in the House which has charge of the Tennessee Valley Authority legislation, has been holding hearings, and in those hearings we have had the testimony of all of the directors of the Tennessee Valley Authority. We have had the testimony of scores of other witnesses in opposition to the proposed amendment to the Tennessee Valley Act. Throughout that whole hearing—and I state this fearless of contradiction—there has been a tendency and disposition on the part of the directors of the Tennessee Valley Authority to ignore the Congress of the United States and do as they please in the Tennessee Valley. Under the provisions of the original basic act by which the Tennessee Valley Authority was created it was provided that they should report to Congress their conduct, their actions, and their doings in that valley and give a constructive, detailed program of what they were spending and how they proposed to spend it. That they steadfastly refuse to do, and this amendment, if put into this bill, will require them to come to us for money.

So far as the Power Trust is concerned, I made my living, until I came to Congress to starve, largely off the power companies as a prosecutor of litigation against them. I have no interest in them, but I am interested in the great coal industry in this country, that employs thousands of men in my district and hundreds of thousands of others in the States of Kentucky, West Virginia, Pennsylvania, Indiana, Ohio, and Illinois, and all throughout this country.

We were literally told by Dr. Morgan that the coal industry is doomed in this country; that electricity proposes to take its place; and the situation is this, that you are building a bureau in Tennessee with 2,500 while-collar employees riding around in cars at 7 cents a mile extra over regular salary and per diem; $140,000 was paid out last year, over and above their daily and monthly wages, for car hire. You are building a bureau with 2,500 white-collar employees in Knoxville, Tenn., bigger than half the departments in Washington, and you propose to turn loose three bureaucrats, dreamers, who believe in the socialistic doctrines of Edward Bellamy, the first great socialist in America, as stated by Dr. Morgan last week in a speech in Knoxville. He said that he visualized a great utopian state, and that it was the T. V. A. plans to establish in the southeastern part of the United States such a state as Edward Bellamy wrote about 50 years ago, and that means communism in its vilest form.

All this amendment proposes to do is to tell them to come to Congress when they want to do something and tell us what it is. Instead of that, they propose to build a string of dams, and they say there ought to be 50 or 60 in the Tennessee Valley that will cost over a billion dollars. All this amendment does is to tell them to work on through the next 2 years on the Norris Dam, which will take a year, when it is done, to fill it up with water; on the Wheeler Dam, that is a year and a half behind; and on the other dam they have started, in which they have just begun their foundation, the Pickwick Dam, before commencing other dams. That is all it means. They are going around the Military Affairs Committee and going into the Appropriations Committee, demanding multiplied millions, and after awhile they will be down at the White House to get another $100,000,000 out of the $4,800,000,000 that we handed over to the President to do with as he pleases; and after a while you will have a monster in Tennessee and Alabama that will swallow every right of every one of the States in the South. [Applause.]

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

Mr. McLEAN. Mr. Chairman, I was elected to Congress to take part in its deliberations. I was assigned to a committee of this House, charged with a certain duty, and in the exercise of that duty there developed certain conditions which I considered worthy of attention and which should have investigation. Pursuant to my obligation as a Member of Congress and as a member of that committee, I proceeded to inquire into matters which I believed the country was entitled to know about. I have no feeling of disrespect for Dr. Arthur E. Morgan. On the contrary, I am willing to agree with the gentleman from Mississippi [Mr. RANKIN] that he is a most distinguished and capable man, but there must be some merit in the opposition which arose against this proposition to have excited so much interest. There is not a man in the Congress who knows the program of the Tennessee Valley Authority. There is no document to which we can refer to ascertain what the Tennessee Valley Authority intends to do. If the Tennessee Valley Authority had, in the exercise of reasonable judgment, made a study of the situation and reported it to Congress, we could have investigated it and looked into it and perhaps have determined upon it as a plan of comprehensive development, and we would know what the ultimate was going to be and how much is going to be spent each year, in an orderly way, just as we do in other matters.

The Tennessee Valley Authority does not intend to let Congress know how far it expects to go. They could not now because they do not know themselves. There must be some merit in this opposition because their budget request

was for $56,000,000. Later when the opposition started and they looked into the matter they returned to Congress and they said, "We can get along with $40,000,000." The Committee on Appropriations, after mature deliberation and consideration, has determined that they can get along with $34,878,000.

What I want is a square deal for American business men, and they are not getting it now in the Tennessee Valley. When a constituent of mine says "I was the lowest bidder for concrete mixers or for equipment that they are using in the Tennessee Valley, and my equipment was all that was required of it, it complied with the specifications, but I did not get the contract; I stayed in Knoxville for 2 weeks waiting to be consulted by representatives of the Tennessee Valley Authority, only to find out on the street that the contract had been awarded to the highest bidder", it is time to look into these things. These men defy the statutes of the United States when it comes to negotiating contracts and granting awards to the highest bidders on contracts. That is an illustration of the kind of thing that we tried to impress upon Dr. Morgan before the committee as being wrong. Those are the things that came to me through correspondence and through the newspapers. I asked Dr. Morgan if they were correct, and we found out that they were. Am I not justified, under those circumstances, in inquiring into them, and on that account and because of that should I be held up to ridicule by the gentleman from Mississippi [Mr. DUNN] yesterday afternoon, prompted by the gentleman from Tennessee [Mr. MCREYNOLDS] who sent for the book, and when the gentleman from Mississippi [Mr. RANKIN] this afternoon inferred that I am a representative of the Power Trust? The people of Union County, N. J., know me. I have no fears for the slurs that are thrown at me in this exercise of my public duty.

Mr. RANKIN. Will the gentleman yield?

Mr. McLEAN. I yield.

Mr. RANKIN. How could the gentleman know I was talking about him when I said "friends of the Power Trust"?

Mr. McLEAN. I know the gentleman's inference. Everybody in the House knew it. But I say to you that though my activities perhaps may have appeared as though I was alined with the power interests, I have no interest in any Power Trusts. I believe there are things going on in the Tennessee Valley that the American people ought to know about. I say there ought not be another dollar appropriated for this organization until they put their house in order. They have $10,000,000 to use to finish the work, and they can go ahead and finish their work, and they will have plenty of money to put their house in order and get this thing on an orderly basis. Then they can send a report to Congress and come here and tell us how much it is going to cost and what we are going to ultimately get, and then we will be able to deliberate without all this excitement. [Applause.]

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. McLEAN] has expired.

The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The question was taken; and on a division (demanded by Mr. TABER) there were ayes 59 and noes 123.

So the amendment was rejected.

Mr. RICH. Mr. Chairman, I offer an amendment, which is at the desk.

The Clerk read as follows:

Amendment offered by Mr. RICH: Page 48, line 2, after the word "Authority", strike out "$34,675,192" and insert "2 cents."

Mr. RANKIN. Mr. Chairman, I make the point of order that that amendment is merely dilatory.

The CHAIRMAN. The Chair could not pass on a matter of that kind at this point.

The question is on the amendment offered by the gentleman from Pennsylvania.

Mr. RICH. Mr. Chairman, I desire to be heard.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. BUCHANAN. Will the gentleman yield for a moment?

Mr. RICH. Yes; I yield.

Mr. BUCHANAN. Mr. Chairman, I ask unanimous consent that all debate on this paragraph relative to the Tennessee Valley Authority and all amendments thereto be closed in 25 minutes.

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

There was no objection.

Mr. RICH. Mr. Chairman, I proposed this amendment because I am opposed to the Government in business. I do not believe the Government of the United States should try to pattern after Russia. The administration of Mr. Roosevelt recognized Russia about a year ago, and we are trying to pattern after that nation as much as any nation in the world. It seems to me it is about time the American people woke up and found out that their rights are being taken away from them. It is about time that the American people realized that this administration is putting the Government into business with such rapidity that it will not be long until we will be a socialized nation; that we will be a nation patterned after Russia.

We have heard this called an administration measure, and we have seen it backed by the party. I want to say that the party that is recommending the Government to be in all lines of business, competing with the citizens of its own country, socializing it, robbing it of its taxpayers, robbing the citizens of a right the Constitution gave to them, will soon find out that the day will come in America, and it is not far away, when the people will rise up and put down any party that proposes Russianizing the United States, and it is right that it should.

I just picked out of the newspaper this morning a most interesting statement:

COURT REFUSES TO LET ESTATES BUY UNITED STATES BONDS—PRORATE JUDGE IN ILLINOIS HOLDS RATE IS TOO LOW, NATIONAL DEBT TOO HIGH

SPRINGFIELD, ILL., June 20.—Probate Judge Benjamin S. DeBoice, of Sangamon County, today refused authority to the First State Trust & Savings Bank, as conservator in seven estates, to invest the estate funds in United States Government securities.

The court, in a thousand-word opinion, held that "during this period of business uncertainty and lowering prices the investing public has turned to Government obligations as a cyclone cellar in which to place investments."

Predicting that "we are upon the eve of a period of inflation," Judge Boice held that the trend of prices upon most tangible goods was upward and that real estate prices showed a definite gain. "Today bank reserves are the largest in history and every bank and insurance company in the country is full to overflowing with cash, awaiting the opportunity for investment.

This is worth while for the members of the Democratic Party to hear. The court refused to permit the estate to buy Government bonds because we are spending the taxpayers' money recklessly and are not trying to do anything to increase the revenues or repaying the expenditures. Quite true, the other day the President sent down a message on the subject of increased taxation, but it was the biggest camouflage ever put over on the American people. Why did he not make recommendation for immediate increases of taxes to balance his Budget as he promised the people when he was elected. He is only fooling the people, and you know what they say about that—you can fool all the people some of the time, but you cannot fool all the people all the time. And Mr. Roosevelt will be no exception to that.

Read the speech of Lew Douglas, former Director of the Budget for Mr. Roosevelt, at the commencement at Amherst a few days ago, and you will know that the administration fooled him, and he quit Mr. Roosevelt. I think Lew Douglas would be great presidential timber for the Democratic Party. He would fulfill his promises and those of the Democratic Party.

When the situation gets to the point where a judge refuses to permit estates to buy bonds of the Federal Government as an investment for trust funds, the position is very precarious indeed. [Applause.] I say that if this administration recognizes that inheritance taxes should be increased, that the taxes on those who make great incomes

should be increased, you ought to do it and not talk about it, for you cannot increase the national debt any more than it is, and the greatest in history, without endangering our very safety as a Nation. Mr. Roosevelt is the greatest spender of all time, and probably the greatest promiser, but he does not fulfill his promises. We should not appropriate but two cents for T. V. A.—it is unconstitutional—it should die and die now. I hope the amendment does pass.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was rejected.

Mr. ANDREWS of New York. Mr. Chairman, a unanimous-consent request.

The CHAIRMAN. The gentleman will state it.

Mr. ANDREWS of New York. Mr. Chairman, I think we all agree that there are no serious amendments to be offered for consideration during the further reading of the bill; and I ask, therefore, unanimous consent that the bill may be considered as having been read for amendment.

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

Mr. BUCHANAN. Mr. Chairman, for the Congress, in the consideration of an appropriation bill dealing with large sums of money, to establish the precedent of considering the bill as read would be very bad. The Members should know all there is in the bill. The bill can be read rapidly, and it can be passed in the regular order. I think every dollar appropriated out of the Treasury should be appropriated in a regular, systematic, and considered way.

Mr. MERRITT of New York. Mr. Chairman, I object.

The Clerk read as follows:

VETERANS' ADMINISTRATION

Hospital and domiciliary facilities: For hospital and domiciliary facilities, $20,000,000, to remain available until expended: *Provided*, That this amount is authorized to be used by the Administrator of Veterans' Affairs, with the approval of the President, for extending any of the facilities under the jurisdiction of the Veterans' Administration or for any of the purposes set forth in sections 1 and 2 of the act approved March 4, 1931 (46 Stat. 1550): *Provided further*, That not to exceed 3 percent of this amount shall be available for the employment in the District of Columbia and in the field of necessary technical and clerical assistants at the customary rates of compensation exclusively to aid in the preparation of the plans and specifications for the projects authorized herein and for the supervision of the execution thereof, and for traveling expenses, rentals in the District of Columbia, field-office equipment, and supplies in connection therewith.

Mr. BIERMANN. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman a couple of questions with reference to the Veterans' Administration. Is a considerable part of the $20,000,000 to be used for the care of mental cases?

Mr. BUCHANAN. There are over 11,000 ailing veterans without hospitalization, which number includes 7,000 mental cases.

Mr. BIERMANN. Does the chairman know off-hand how the bill affects the situation in Iowa?

Mr. BUCHANAN. No; I know only that substantial provision has been made for the Knoxville Hospital. The hospital facilities are to be increased in strategic parts of the country in such way as to accommodate the greatest number of veterans around and near their homes.

Mr. BIERMANN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD at this point.

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

There was no objection.

By unanimous consent, the pro forma amendment was withdrawn.

Mr. BIERMANN. Mr. Chairman, I am glad that the committee is appropriating a large part of this money for the care of mental cases. There has been a serious shortage of facilities for the care of veterans afflicted with mental disabilities in Government hospitals. This has resulted in the assignment of some of them to State insane hospitals, where sometimes the care has not been satisfactory. My opinion has been, and continues to be, that Government hospitals for veterans should be pretty well confined to mental cases, tubercular cases, and a few other types that require special hospital equipment.

I believe that the majority of veterans' cases could be handled better and with less expense to the Government in the local hospitals. I am sure that it does not contribute to a veteran's comfort nor to his recovery to have him taken away from his home, his family, and his friends to be cared for by total strangers and to encounter the depressing loneliness of a strange city. There are thousands of empty beds in the non-Government hospitals of the country, which, it seems to me, could well be occupied by veterans. In his home-town hospital the veteran would be cared for by a doctor who knows him, waited on by nurses who know him, and visited by his family and his friends. Such surroundings, I am sure, would be much more favorable to the veteran's comfort and recovery than the strange surroundings of a far-away Government hospital.

The local hospitals usually are supported by the donations of public-spirited individuals or by the benevolence of churches. These hospitals need the business. The use of them would assist in their financial support. It surely would be more satisfactory to the veterans, and obviously less expensive to the Government.

I earnestly hope that the proper committee will give serious consideration to a change in our veterans' hospitalization system to the end that: (1) Government hospitals shall be used almost, if not quite, exclusively for mental, tubercular, and other cases requiring special hospital equipment, and that (2) the veteran shall be permitted to receive his treatment at Government expense in his local hospital in all cases where that hospital is properly equipped to care for him.

The Clerk read as follows:

INCREASE OF THE NAVY

Armor, armament, and ammunition: For an additional amount toward the armor, armament, and ammunition for vessels heretofore authorized, and so forth, including the same objects specified under this head in the act making appropriations for the Navy Department for the fiscal year 1935, $6,110,000, to remain available until expended.

Mr. MARCANTONIO. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I wish to direct a question or two to the chairman of the committee. Will the chairman please inform the Committee how much money has already been appropriated to the Navy Department for other naval purposes?

Mr. BUCHANAN. For the next fiscal year?

Mr. MARCANTONIO. Yes.

Mr. BUCHANAN. $458,684,379 is the amount in the pending Naval Appropriation Act for the fiscal year 1936.

Mr. MARCANTONIO. And, with the appropriations carried in this deficiency bill, what will the total amount to?

Mr. BUCHANAN. $20,000,000 more, or $478,684,379.

Mr. MARCANTONIO. I thank the gentleman.

By unanimous consent, the pro forma amendment was withdrawn.

The Clerk read as follows:

QUARTERMASTER CORPS

Construction of buildings, utilities, and appurtenances at military posts: For construction, remodeling, recondition, and installation at military posts of buildings and appurtenances thereto, including interior facilities, necessary services, roads, connections to water, sewer, gas, and electric mains, and similar improvements with reference to sections 1136 and 3734, Revised Statutes (U. S. C., title 10, sec. 1339; title 40, sec. 267), including also the engagement by contract or otherwise without regard to section 3709, Revised Statutes (U. S. C., title 41, sec. 5), and without regard to the restrictions of existing law governing the employment or compensation of employees of the United States, and at such rates of compensation as the Secretary of War may determine of the services of architects or firms or corporations thereof and other technical and professional personnel as may be necessary, and including also general overhead expenses of transportation, engineering, supplies, inspection and supervision, travel connected therewith, and such services as may be necessary in the office of the Quartermaster General, to remain available until expended, $9,850,000 as follows: Toward construction at the United States Military Academy, $5,324,250; toward construction of an airdrome in Hawaii, $4,525,750.

Mr. MARCANTONIO. Mr. Chairman, I move to strike out the last word in order to ask similar questions with reference to the War Department.

Will the chairman please tell us how much has been appropriated heretofore for the War Department for the next fiscal year?

Mr. BUCHANAN. The War Department Appropriation Act for the fiscal year 1936 carries $341,348,204 for military activities and $60,649,966 for nonmilitary activities, making a total of $401,998,170.

Mr. MARCANTONIO. This carries an additional appropriation of approximately $20,000,000?

Mr. BUCHANAN. I think the gentleman is talking about rivers and harbors and military posts. This deficiency bill carries $10,000,000 for rivers and harbors and $9,850,000 for military activities. These sums are additional to the amounts I have just stated.

Mr. KENNEY. Mr. Chairman, I rise in opposition to the pro forma amendment.

May I direct a question to the Chairman of the Appropriations Committee? On page 58 the sum of $5,324,250 is appropriated for construction at the United States Military Academy. Can the chairman tell us whether it is proposed that the Government do this work itself or let it by contract?

Mr. BUCHANAN. Under the language it may be done either way. In some instances a good deal of it may be done by force account. They may have it done either by force account or by contract.

Mr. KENNEY. Has the gentleman considered providing for the prevailing rate of wage in the contracts let to private contractors?

Mr. BUCHANAN. This is done under the prevailing rates of wage.

Mr. KENNEY. The chairman probably knows that Congress last term passed a bill appropriating $3,300,000,000 for Public Works. Some of that money was by Executive order given over to the Navy Department to be used in building navy vessels—cruisers and, I believe, one or more destroyers. Contracts for their building were let to a shipbuilding company in my State, but there being no provision in the contracts for payment of the prevailing wage scale, a serious strike resulted involving 3,700 workmen, who complained of inordinately low wages, excessive working hours, and unfair working conditions. The strike began May 13 last and still persists. I was wondering whether or not the gentleman has considered the feature of guaranteeing the prevailing rate of wages in all private contracts?

Mr. BUCHANAN. The item the gentleman refers to was under the P. W. A., and when they made those allotments from the $3,300,000,000 the P. W. A. rate of wage was required to be used in the allotment thus made. That has no application to this appropriation, and no other emergency activity has any relation to it. This is under the regular program of the Government as practiced from year to year.

Mr. KENNEY. May I say to the gentleman that the P. W. A. turned P. W. A. moneys or funds over to the Navy Department? The Navy Department handled the contracts for the building of the ships, and in the contracts made by the Navy Department no provision was made for paying labor prevailing-rate wages.

Mr. BUCHANAN. Certainly; but this is an appropriation made by the Congress, and it is subject to the prevailing rate of wage.

Mr. KENNEY. The gentleman is satisfied as to that?

Mr. BUCHANAN. Yes.

The Clerk concluded the reading of the bill.

Mr. BUCHANAN. Mr. Chairman, I ask unanimous consent to return to page 43, line 14, for the purpose of offering an amendment to correct a misprint.

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

There was no objection.

Mr. BUCHANAN. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BUCHANAN: On page 43, line 14, strike out "1934" and insert in lieu thereof "1914."

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HANCOCK of North Carolina, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 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, under the resolution (H. Res. 266) 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 engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONTROL OF FLOODS ON MISSISSIPPI RIVER AND ITS TRIBUTARIES

Mr. WILSON of Louisiana. Mr. Speaker, I ask unanimous consent to file a supplemental report on the bill (H. R. 7349) to amend the act entitled "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes", approved May 15, 1928, as amended.

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

There was no objection.

NAVY DEPARTMENT APPROPRIATION BILL, 1936

Mr. CARY. Mr. Speaker, I call up the conference report 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, and ask unanimous consent that the statement may be read in lieu of the report.

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

There was no objection.

The Clerk read the statement.

The conference report and statement are as follow:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, 7, 19, 26, 27, and 29.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 8, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 30, 31, 32, 33, 35, 38, 39, 40, 43, 45, 46, and 47, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$175,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,062,700"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "three"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,020,450"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and

agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,732,310"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,590,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$6,000,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 18, 28, 42, 44, and 48.

GLOVER H. CARY,
WILLIAM B. UMSTEAD,
W. R. THOM,
GEO. W. JOHNSON,
J. G. SCRUGHAM
(Except as to amendment no. 32),
CLARENCE J. MCLEOD,
J. W. DITTER,
Managers on the part of the House.

JAMES F. BYRNES,
ROYAL S. COPELAND,
PARK TRAMMELL,
FREDERICK HALE,
HENRY W. KEYES,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to 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, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

On amendment no. 1: Increases from $4,200 to $9,000, as proposed by the Senate, the amount that may be expended upon allowances for living quarters, including heat, fuel, and light, to civilian employees serving in foreign countries.

On amendments nos. 2, 3, and 4, relating to the appropriation "Miscellaneous expenses": Appropriates $1,062,700, instead of $1,055,700, as proposed by the House, and $1,071,060, as proposed by the Senate, such increase of $7,000 being intended to make additional amounts available for communication expenses, postage, and clerk hire, all incident to the reopening of the Naval Training Station, Great Lakes.

On amendments nos. 5, 6, and 7, relating to the Naval Research Laboratory: Appropriates $310,000, as proposed by the House, instead of $210,000, as proposed by the Senate.

On amendments nos. 8 to 13, both inclusive, relating to the appropriation "Training, education, and welfare, Navy": Appropriates $115,559, as proposed by the Senate, instead of $103,059, as proposed by the House, for the Naval Training Station, Newport, R. I.; limits expenditures upon post-graduate instruction of prospective or potential Staff Corps officers who have not been commissioned in the line of the Navy more than 3 years, instead of 2 years, as proposed by the House, and 5 years, as proposed by the Senate; appropriates $58,000, as proposed by the Senate, instead of $55,000, as proposed by the House, for libraries incident to the reopening of the Naval Training Station, Great Lakes; and appropriates $282,200, as proposed by the Senate, instead of $279,200, as proposed by the House, for welfare and recreation, also incident to the reopening of the Naval Training Station, Great Lakes.

On amendment no. 14: Corrects the text.

On amendments nos. 15, 16, and 17, relating to the Naval Reserve: Limits to 19, as proposed by the Senate, instead of 20, as proposed by the House, the number of Reserve officers (Navy and Marine Corps) above the grade of senior lieutenant of the Navy who may draw the pay and allowances of their grade while in the performance of extended active duty.

On amendment no. 19: Limits the amount that may be expended for pay of masters and instructors in swordsmanship and physical training at the Naval Academy to $22,800, as proposed by the House, instead of $25,100, as proposed by the Senate.

On amendments nos. 20 and 21, relating to the appropriation "Engineering": Appropriates $19,662,000, as proposed by the Senate, instead of $19,550,000, as proposed by the House, the increase of $112,000 being intended to cover the "engineering" portion of the expense of building a new ferry for use at Newport, R. I.; reappropriates $500,000 to be applied to the purchase of machine tools, as proposed by the Senate, and increases the limitation of $1,662,000 proposed by the House upon expenditures for pay of classified employees to $1,667,000, as proposed by the Senate.

On amendments nos. 22 and 23, relating to the appropriation "Construction and repair of vessels": Appropriates $18,288,000, as proposed by the Senate, instead of $18,050,000, as proposed by the House, the increase of $238,000 being intended to cover all other than the "engineering" expenses of building a new ferry for use at Newport, R. I.; reappropriates $500,000, to be applied to the purchase of machine tools, as proposed by the Senate, and increases the limitation of $1,800,000 proposed by the House upon expenditures for pay of classified employees to $1,805,000, as proposed by the Senate.

On amendment no. 24: Reappropriates $500,000 under the Bureau of Ordnance, to be applied to the purchase of machine tools, as proposed by the Senate.

On amendments nos. 25, 26, 27, and 29, relating to the appropriation "Pay, subsistence, and transportation, Navy": Corrects the text and fixes the amount allocated for pay of enlisted men, active list, at $73,872,972, as proposed by the House, instead of $74,621,779, as proposed by the Senate.

On amendments nos. 30 and 31, relating to the appropriation "Maintenance, Bureau of Supplies and Accounts": Appropriates $8,350,540, as proposed by the Senate, instead of $8,300,000, as proposed by the House, the increase of $50,540 being incident to reopening the naval training station, Great Lakes, and makes a minor textual change.

On amendment no. 32: Strikes out, as proposed by the Senate, the House provision increasing the capital of the naval supply account fund by $7,500,000 by the reappropriation of unobligated balances of certain prior year appropriations for the purpose of enabling the Navy Department to acquire a partial reserve of strategic minerals of domestic production.

On amendment no. 33: Appropriates $2,179,400 for the Medical Department, as proposed by the Senate, instead of $2,100,000, as proposed by the House, the increase of $79,400 being incident to reopening the naval training station, Great Lakes.

On amendments nos. 34 to 37, both inclusive, relating to the appropriation "Aviation, Navy": Allocates $11,020,450 to the maintenance and operation subhead, instead of $10,755,150, as proposed by the House, and $11,285,750, as proposed by the Senate; reduces the allocation of $26,770,000 proposed by the House to the aircraft procurement subdivision by $54,340, as proposed by the Senate, the amount of such reduction being added elsewhere for pay of employees, Bureau of Aeronautics; and fixes the amount of contract authorization at $6,590,000, instead of $5,000,000, as proposed by the House, and $8,180,000, as proposed by the Senate, the increase agreed upon over the amount proposed by the House being for the procurement of spare parts for new airplanes.

On amendments nos. 38, 39, and 40, relating to the Marine Corps Reserve: Appropriates $224,238, as proposed by the Senate, instead of $120,860, as proposed by the House, the entire increase being for clothing, and makes provision for clothing for aviation cadets, as proposed by the Senate.

On amendment no. 41: Makes a reappropriation of $6,000,000, instead of $11,690,000, as proposed by the Senate, of unobligated balances of certain prior year appropriations, in augmentation of the direct appropriation of $88,310,000 proposed by the House under the head of "Increase of the Navy, construction and machinery", thus making the total available on account of the 24 ships to be laid down in the fiscal year 1936, $20,690,000, instead of $29,380,000, as proposed in the Budget, and $26,380,000, as proposed by the Senate.

On amendment no. 43: Excepts the 15,000-ton aircraft carrier, the construction of which is to be initiated during the fiscal year 1936, from the requirement respecting a division of new ship construction work between Government and private yards, in conformity with the provisions of the Treaty Navy Authorization Act, approved March 27, 1934, as proposed by the Senate.

On amendments nos. 45 and 46: Appropriates $337,000 for salaries, Bureau of Aeronautics, as proposed by the Senate, instead of $282,660, as proposed by the House.

On amendment no. 47: Appropriates $20,000 for printing historical naval documents, as proposed by the Senate, instead of $15,000, as proposed by the House.

Disagreements

The committee of conference have not agreed upon the following amendments of the Senate:

On no 18: Relating to Naval and Marine Corps Reserve officers on permanent active duty.

On no. 28: Relating to the employment of enlisted men ashore in the capacity of household servants.

On no. 42: Relating to the use of the appropriation "Increase of the Navy" for personal services and contingent and miscellaneous expenses in connection with the construction of vessels.

On no. 44: Relating to data to accompany bids for constructing naval vessels.

On no. 48: Relating to travel expenses of personnel of the services embraced by the Joint Service Pay Act of 1922 under orders home in connection with retirement.

GLOVER H. CARY,
WILLIAM B. UMSTEAD,
W. R. THOM,
GEO. W. JOHNSON,
J. G. SCRUGHAM,
CLARENCE J. MCLEOD,
J. W. DITTER,
Managers on the part of the House.

Mr. CARY. Mr. Speaker, while there were a number of amendments placed on the bill in the Senate, a goodly number of them had no relation to the amount of money carried in the bill.

Mr. McFARLANE. Mr. Speaker, will the gentleman yield for a question?

Mr. CARY. I yield.

Mr. McFARLANE. What is the difference in the appropriations as the bill left the House and as it came from the Senate and as agreed to in your conference report?

Mr. CARY. If the gentleman will allow me a moment, I will make an explanation that will give that information.

Mr. McFARLANE. That is what I want.

Mr. CARY. The bill as passed by the House carried direct appropriations totaling $457,805,261, and reappropriations to the total amount of $7,500,000, providing for a total maximum expenditure of $465,305,261. The House bill also carried a contract authorization of $5,000,000.

As passed by the Senate, the direct appropriations totaled $459,606,846, or $1,801,585 more than the House bill; reappropriations were increased by $5,690,000, or to $13,190,000; and the contract authorization was raised from $5,000,000 to $8,180,000, or by $3,180,000.

As agreed to by your conferees, the bill carries in direct appropriations $879,118 in excess of the total amount approved by the House, the Senate conferees having receded from $922,467 of the total amount added by the Senate, and from the reduction made in the amount proposed by the House for the Naval Research Laboratory.

The agreed increase is distributed as follows:

Reopening Naval Training Station, Great Lakes, various objects	$142,940

The House provided a flat sum for the reopening of the naval training station and the Department indicated to the Senate a number of additional things that would need to be provided for and these required an additional appropriation of $142,940.

Contingent expenses, Newport Training Station	$12,500
New ferry for use at Newport, R. I.	350,000

We were clearly convinced of the need for a new ferry. It was just a question of whether it should be started now or a year later. There seemed to be no reason for deferment because it is something that is absolutely necessary.

Mr. McFARLANE. Is not that a little high for that ferry?

Mr. CARY. I should not say so.

Clothing for Marine Corps Reserve	$103,378
Maintenance and operation, naval aircraft and air stations	265,300
Printing historical naval records	5,000
Making a total of	879,118

As to reappropriations, we bring back a total $7,500,000, but differently allocated than in the House bill. The House bill, it will be recalled, carried $7,500,000 of reappropriations for the purpose of purchasing and creating a reserve supply of domestically produced and processed strategic minerals.

Mr. McFARLANE. What kind of minerals?

Mr. CARY. For strategic war minerals. The Senate struck out this proposal and diverted the money toward making available a larger amount to the extent of $11,690,000 for new ship construction than the House had proposed, making up the difference between the $7,500,000 and the $11,690,000 by additional reappropriations. The Senate also added by way of reappropriations $1,500,000 for the purchase of machine tools, making the Senate total of reappropriations $13,190,000.

The House conferees have acceded to these Senate changes except as to the item on account of new ship construction. Instead of an addition of $11,690,000 on account of new ship construction we bring back $6,000,000.

In other words, we had a compromise on this item. The Senate wanted to add $11,690,000 and we compromised and fixed it at $6,000,000.

Mr. McFARLANE. Were there any other compromises that were made in favor of the House figures?

Mr. CARY. If the gentleman will read the conference report or listen to this statement he will find there were a number of such compromises. I direct the gentleman's attention to the report which has just been read by the Clerk.

Mr. McFARLANE. I have just been reading the report and I have noticed that most of these compromises are in favor of the Senate.

Mr. CARY. The gentleman is very much mistaken about that. The report will not support such an assertion.

Mr. McFARLANE. There were a number of corrections upward, I noticed.

Mr. CARY. It will be recalled that the Budget carries $29,380,000 for beginning the construction of 24 naval vessels. The House provided one-half of such sum, or $14,690,000. The Senate proposed to increase such amount to $26,380,000 by making available $11,690,000 of unobligated balances of certain prior year appropriations. The Conference Committee agreed to a total of $20,690,000, of which $6,000,000 will be made up of unobligated balances of prior year appropriations.

In connection with this matter I wish to say that the Senate conferees were unalterably opposed to an appropriation on account of these 24 new ships that would be insufficient to enable the Department to proceed with their construction as rapidly as contemplated by the Budget estimate.

This was the position the House took when the bill was passed here. We had received information at that time that the figures we had placed in the bill would be sufficient to carry on the program without interrupting the continuity of the program. Since that time the Navy Department had come to the conclusion it would take some more money and the Senate conferees were convinced they were right about it and we agreed with them about it.

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

Mr. CARY. I yield.

Mr. MARCANTONIO. As a matter of fact, every compromise that has been reached constitutes an increase in the figures fixed by the House?

Mr. CARY. No; that is not a fact. However, as to the funds for ship construction, I will say to the gentleman from New York that we have already embarked upon the program of building the Navy to treaty strength. The vessels to be commenced in 1936 will cost in the neighborhood of $200,000,000. The appropriation we make here is merely an initial appropriation and it matters very little whether it is one figure or another, because the program will go through and the entire amount will have to be appropriated. This is just a question of what amount we appropriate as the initial appropriation to carry forward the program until the Congress convenes again.

Mr. MARCANTONIO. I have another brief question which I think we ought to have for the purpose of the RECORD. Can the gentleman state what the total amount will be for naval purposes if this conference report is adopted?

Mr. CARY. I have just given that figure.

Mr. MARCANTONIO. I want the total.

Mr. CARY. $458,684,379.

Mr. VINSON of Georgia. And, as a matter of fact, it is several million dollars under the Budget estimate.

Mr. CARY. It is more than $26,000,000 under the Budget estimate.

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

Mr. CARY. I yield.

Mr. GAMBRILL. I notice that you have increased the appropriation for the professors at the Naval Academy by $33,000 to take care of 12.

Mr. CARY. Will the gentleman wait a moment until I reach that in my statement?

Mr. GAMBRILL. Yes.

Mr. CARY. The amount agreed upon for new ship construction, our information is, will enable work to proceed as rapidly as originally contemplated. Of course, if that be true, the original estimate was over large.

In any event, I wish to say for the benefit of those who feel that this program should wait upon the outcome of the naval conference to be held during this calendar year, that there is no requirement that any of the vessels which such

program embraces be laid down at any particular time and the President will be free to defer their commencement if he should conclude that to be the wiser course.

It works out that the amount of reappropriations, as agreed to, corresponds to the amount of reappropriations proposed by the House, so that the increase in direct appropriations of $879,118, which I have already discussed, constitutes the sum total of additional Treasury demands beyond those created by the bill as passed by the House.

Turning to contract authorization, the House bill carried $5,000,000 for the procurement of airplanes. The House cut down the amount in the estimates for spare parts for aircraft from 25 percent to 10 percent, yielding a reduction of $3,180,000. The Senate proposed to restore the whole of this reduction by way of contract authorization. We have compromised, restoring one-half of the House reduction by way of contract authorization.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. CARY. I yield.

Mr. VINSON of Georgia. What percent of spare parts are here provided for?

Mr. CARY. About 17½ percent.

To summarize, the bill carries a total of $458,684,379 in direct appropriations. Including reappropriations, the amount is $466,184,379. In direct appropriations the amount is $26,759,468 less than proposed in the Budget. Adding reappropriations, we come under the Budget to the extent of $19,259,468.

The statement accompanying the conference report, which has been read, covers both amendments which do and do not affect the amounts of money carried by the bill. I see no occasion further to enlarge upon that statement. Before concluding, however, I wish to clear up some doubt that seems to prevail as to the intention respecting the addition made by the House to the estimate for pay of professors and instructors at the Naval Academy. The original estimates included $232,400 for such purpose—$207,300 for educators and $25,100 for physical instructors. The House—and the Senate conferees have agreed—provided a total of $265,400, of which $242,600 is earmarked for educators and not exceeding $22,800 for physical instructors. For the latter $700 is included for automatic salary increases. There is available, therefore, $35,300 definitely for the employment of additional educators. While the number is not specified, it was the thought of the committee that the increase would permit of the employment of 12, which is the number of former professors at the academy, let out in 1933, eligible or available for reemployment, who have not been reemployed. Whether those 12 former professors will be reemployed rests with the Department and the academy authorities. The increase the bill carries is not sufficient to pay those 12 the salaries they were receiving at the time of separation. Their salaries, if and when reemployed, would need to be accommodated to the amount available.

Mr. GAMBRILL. Will the gentleman yield?

Mr. CARY. I yield.

Mr. GAMBRILL. The statement appears in the hearings that you had before your committee a representative of the 12 professors separated from the service in 1933. According to the interrogation of the witnesses by the gentleman from Pennsylvania [Mr. DITTER], who is a skilled educator, it appears that in his mind, and probably in the mind of the gentleman from Kentucky, the idea that the 12 professors separated from the service should be reinstated. I hope the gentleman will be good enough to enlighten the House as to whether or not that is correct.

Mr. CARY. I will say this. Of course, this matter was brought to our attention, and the committee was sympathetic to those professors whose services it became necessary to terminate. While we realize that the committee has nothing to say about who shall or who shall not be employed, because that is an administrative matter that belongs to the officials of the Navy Department and the Academy, it was our hope that many of the men who were qualified and ought to be retained would be retained. However, we realize that we could not provide that the men separated from the service should be reemployed and if reemployed that they should be paid the salary they got when they were separated from the service.

There is nothing in the bill that would require the reinstatement of the same ones who were separated from the service. We were sympathetic toward them and hoped that they would be reemployed.

Mr. GAMBRILL. I am obliged to the gentleman for this statement, and I want to give it some background.

There were 20 professors at the academy teaching cultural subjects who were separated from the service at a saving of sixty-odd thousand dollars. A few days after their separation, with the idea that they were embarking on an economy program, the Navy Department secured from the Public Works Administration $238,000,000 for building ships of war and $13,000,000 for aircraft.

A year ago I attempted to rectify the wrong done to these professors.

In the bill for the fiscal year 1935 there was an additional appropriation of sixty-odd thousand dollars to take care of reinstatement of 20 professors, but unfortunately a colloquy took place on the floor of the House and the then chairman of the subcommittee used language that could be interpreted that only 8 professors should be reinstated, although the appropriation was sufficient to take care of the reinstatement of the full 20. It was the idea of the committee when it passed the supply bill for 1935 to reinstate eight. It seems to me that this additional amount should be used for the purpose of reinstating the remainder of those professors who were separated from the service in 1933.

One other thought. The gentleman says the appropriation is not sufficient. That is correct. It would require about $41,000, and the gentleman has appropriated $33,000 additional. The gentleman took into consideration, I have no doubt, that probably not all of the 12 would be available, and also took into consideration that probably some of the 12 had secured positions elsewhere, but I certainly hope before the gentleman asks for the passage of this conference report that he will be more liberal and be willing to make a statement that it is the sincere hope of the committee that 12 instructors should be reinstated, or so many as may be available.

Mr. CARY. Mr. Speaker, I tried to make myself clear on that as to what the committee's idea about it is. We had a number of these men before us, and as I said, we are sympathetic toward them, and I agree with the statement the gentleman from Maryland makes, but he realizes, and I know agrees with me, that this is a matter purely within the discretion of the authorities of the Naval Academy and the Navy Department. However, we hope that such of these men who have not been employed and who have not found work elsewhere and who are available and who are suitable for the positions open might be reemployed. We have nothing to do with that. That is purely administrative.

Mr. PARKS. These are all civilian employees of whom the gentleman speaks?

Mr. CARY. Yes.

Mr. PARKS. Have they been so dissociated from the service that they are gone?

Mr. CARY. Some of them have, but a number of them are within the proximity of the institution and are available.

I move the previous question on the adoption of the conference report.

The previous question was ordered.

The SPEAKER. The question is on the adoption of the conference report.

The conference report was agreed to.

A motion to reconsider the vote by which the conference report was agreed to was laid on the table.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment no. 18: Page 14, line 23, after the word "duty", insert ", and other officers above such grades employed on such class of active duty shall not be entitled to be paid a greater rate of pay and allowances than authorized by law for a lieutenant of the Navy or a captain of the Marine Corps entitled to not exceeding 10 years' longevity pay."

Mr. CARY. Mr. Speaker, I move to recede and concur with an amendment which I send to the desk and ask to have read.

The Clerk read as follows:

In lieu of the matter inserted by said amendment insert the following: ", and other officers above such grades employed on such class of active duty (not to exceed 4 months in any calendar year) shall not be entitled to be paid a greater rate of pay and allowances than authorized by law for a lieutenant of the Navy or a captain of the Marine Corps entitled to not exceeding 10 years' longevity pay."

The SPEAKER. The question is on the motion of the gentleman from Kentucky to recede and concur with an amendment.

The motion was agreed to.

The Clerk read as follows:

Amendment no. 28: Page 28, line 23, after the word "expeditions", insert "and in addition not to exceed 40 in number at such places as shall be designated by the Secretary of the Navy."

Mr. CARY. Mr. Speaker, I move to recede and concur.

The motion was agreed to.

The Clerk read as follows:

Amendment no. 42: Page 51, line 8, after the word "vessels", strike out "heretofore authorized and herein or heretofore appropriated for in part" and insert "which have been or may hereafter be authorized."

Mr. CARY. Mr. Speaker, I move to recede and concur.

The motion was agreed to.

The Clerk read as follows:

Amendment no. 44: Page 54, after line 13, insert:

"No part of the funds herein appropriated shall be available to pay a contractor upon any contract for a naval vessel entered into under authority of this act unless, at the time of filing his bid, he shall also file the estimates upon which such bid was based."

Mr. CARY. Mr. Speaker, I move to recede and concur.

The motion was agreed to.

The Clerk read as follows:

Amendment no. 48: Page 62, beginning in line 1, insert:

"SEC. 3. During the fiscal year 1935 and thereafter the words 'permanent change of station' as used in section 12 of the act approved May 18, 1920 (41 Stat. 604), as amended, shall be held to include the home of an officer or man to which he is ordered in connection with retirement."

Mr. CARY. Mr. Speaker, I move that the House recede and concur.

The motion was agreed to.

A motion to reconsider the votes by which the various motions were agreed to was laid on the table.

SHIP MORTGAGE ACT

Mr. BLAND. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7205) to amend the Ship Mortgage Act, 1920, otherwise known as "section 30" of the Merchant Marine Act, 1920, approved June 5, 1920, to allow the benefits of said act to be enjoyed by owners of certain vessels of the United States of less than 200 gross tons, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The gentleman from Virginia asks unanimous consent to take from the Speaker's table the bill H. R. 7205, with a Senate amendment thereto, and concur in the Senate amendment. The Clerk will report the Senate amendment.

The Clerk read as follows:

Page 2, line 21, after "United States", insert "and for the purposes of this act the Reconstruction Finance Corporation shall, in addition to those designated in sections 37 and 38 of this act, be deemed a citizen of the United States."

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was concurred in, and a motion to reconsider the vote by which it was concurred in laid on the table.

NATIONAL LABOR RELATIONS BOARD

Mr. CONNERY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table 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, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. CONNERY, RAMSPECK, GRISWOLD, WELCH, and LAMBERTSON.

THE LATE JOSEPH P. HINES

Mr. O'NEAL. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. O'NEAL. Mr. Speaker, I rise to pay a belated tribute to a faithful public servant who died 1 year ago today, after the adjournment of Congress. Joseph P. Hines, of Louisville, Ky., came to Washington in 1912 as secretary to one of my predecessors, Hon. Swagar Sherley, formerly Chairman of the Committee on Appropriations. From that time until last year he served in many capacities for the Government in Washington. He was a man who was respected, honored, and beloved by all who knew him. He is dead, but he lives, Mr. Speaker, in the hearts of all who knew him.

PERMISSION TO ADDRESS THE HOUSE

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

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

Mr. SNELL. Mr. Speaker, reserving the right to object, the major domo of the Democratic Party announced yesterday there would be no more general debate. He was afraid that someone would "blow off" or "spread false propaganda" against the administration. I am afraid of that myself, and I shall have to object.

Mr. BOYLAN. I do not know who the major domo is.

Mr. SNELL. The major domo was "General" O'CONNOR.

Mr. BOYLAN. I have no connection with the major domo.

Mr. SNELL. If there is going to be no more general debate on this side, there is going to be no more on that side by unanimous consent, even by my good friend Mr. BOYLAN.

Mr. BOYLAN. This is not general debate. This is simply a little address I wanted to make, and it is nonpolitical.

Mr. SNELL. I shall have to object.

CHARLES HENRY NIEHAUS

Mr. KENNEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. KENNEY. Mr. Speaker, Charles Henry Niehaus, one of America's great men, my dear friend and neighbor, departed this life in Cliffside Park, N. J., Wednesday, June 19, 1935.

When the history of American sculptors shall have been written, his name will be recorded in the forefront.

His art and sculpture will forever adorn this Capitol, the District of Columbia, and many States of the Union.

Surviving him is his loyal daughter, Marie Niehaus, beloved by all who know her for her devotion to, and tender care of, her illustrious father. In paying deserved tribute to my sculptor friend, I feel free to draw liberally from her biography of the great sculptor.

Born in Cincinnati, Ohio, January 24, 1855, he early devoted himself to wood engraving, stonecutting, and carving in marble. While yet a boy he was a capable draftsman, and as a very young man he modeled in clay. His fondness for his work prompted him to become a pupil at the McMicken School of Design, in Cincinnati, where he won first prize in drawing and modeling. Of meager means, but enthusiastic and determined, he traveled to Munich, Germany, where he entered the Royal Academy and there he

won his way to honors and a commission. At the time of his matriculation, he gained the distinction of obtaining first-prize medal for composition entitled "Fleeting Time." Before he returned to America, he journeyed through the countries of Europe, viewing the sculpture of the Old World, the masterpieces of the Renaissance period, and the ruins of Athens and Rome. In Manchester, England, before leaving for home, he engaged in executing busts of persons of note, including Lord Disraeli.

Arriving back in America in 1881, he wended his way to his native State of Ohio, and while still a youth received two commissions providing for memorials to the memory of President Garfield. The State of Ohio raised funds for a statue of Garfield to be placed in the rotunda at the Capitol at Washington.

Public subscriptions furnished funds for another statue of Garfield to be erected on Race Street in Cincinnati. The young sculptor who had won his spurs abroad was honored by the people of Ohio with these commissions. His sculpture was such a success that a further commission followed to model the statue of William Allen, a gift of the State of Ohio to Statuary Hall in the Capitol. He had by this time developed his artistic talent, gaining much fame. However, he wished further opportunity for study and experimentation and for that purpose went to Italy. He established a studio in Rome in the Villa Strohl-Fern adjoining the Borghese Palace just outside of Porta del Popolo, devoting his time to production of art for art's sake.

Three of his models have been preserved and are in this country. They are the Scraper, or Greek Athlete Using a Strigil, Caestus, and Silenus. The former received Italian recognition which made him a Fellow of L'Associazione della Artistica Internazionale di Roma. At the World's Columbian Exposition it was recommended for a special medal.

In 1885 he established his studio in New York City and later removed to Cliffside Park, N. J., in the Palisades, overlooking the majestic Hudson River. At these studios he executed his finest sculpture.

As an artist, he obtained membership in the Council of the National Sculpture Society, the Architectural League of America, Municipal Art Society, of the Society for the Preservation of Historic and Scenic Places of the National Arts Club, of the Players Club, and of the Ohio Society.

Mr. Niehaus received the commission to make the statues of Hooker and Davenport and illustrative tympanums for the statehouse of Connecticut. Davenport, suggesting the founding of Yale University and the earliest historic interest of New Haven, and Hooker standing in similar character for Hartford, are the two figures of Connecticut which arose out of the perspective of Pilgrim days. These statues, with the accompanying tympanums, were commissioned to my friend through a committee of which Charles D. Warner was the guiding spirit. Of the completed work, Mr. Warner wrote of them as "spirited and beautiful."

When the Municipal Art Society of the city of New York offered prizes for designs for drinking fountains for city streets, Mr. Niehaus furnished 5 designs, 5 of which were prize winners.

The Astor memorial doors of Trinity Church of New York were the gift of Mr. Astor. Competition determined the choice of the sculptors who were restricted to one subject, and the manner of its treatment was the test of selection not only for the sculptors but for the character of subject which should be assigned him. The subject decided for the competition was the expulsion of the Garden of Eden and from the design submitted, Mr. Niehaus won the award to execute the south or historical doors. In Harpers Weekly, June 10, 1893, Charles de Kay, art critic, wrote descriptively of them and of the history of their gift as follows:

Bronze doors in one piece and decorated with panels carved in relief are Mr. William Waldorf Astor's gift to Trinity Church in memory of his father, the late John Jacob Astor. * * * The massive look of the doors and the color of the bronze, somber yet rich, suit very well the stately architecture of Trinity and the somber but warm tones of the stone.

John Jacob Astor, second of the name, took great pride in Trinity and enriched the chancel with a costly reredos. He was the most faithful of vestrymen, and until his last years rarely failed to carry about the plate for the offertory; so that to the worshippers in Trinity these doors will recall his tall and dignified figure, his kindly, urbane face. They will recall his unaffected modesty and readiness to interest himself in all public and social affairs, from the call to arms at the outbreak of the Civil War to the functions that are mere weariness to the flesh to a conscientious man past middle age. But to the general public they are very notable embellishments of the city, owing to the conspicuous place Trinity occupies on Wall Street and Broadway. It was a happy thought to make sculptured doors the memorial for a site so central and so close to the swiftest tide of traffic—a thought which, in all likelihood, came to the son because of his early studies in sculpture.

The south door, by Mr. Niehaus, has six panels dealing with historical subjects connected with New York and Trinity Parish. The lowest panels show the deck of the *Half Moon;* Henry Hudson is passing, in 1609, along Manhattan Island under the Dutch flag; Dr. Barclay is preaching to the Indians. To fit the mission among the redskins more closely to this church, Mr. Niehaus has passed by the earlier efforts of Dutch dominies in the same field. The middle panels show Washington entering St. Paul's, the chapel of Trinity, after his inauguration in 1789; and the scene of a consecration of four bishops in the same chapel in 1832. The upper panels contain the procession in 1846 through the porch of new Trinity as we now have it, soon after its completion; and the reredos in memory of William B. Astor in 1877.

In these six panels the sculptor has undertaken a difficult task of realism, and with success. The composition is generally excellent; the perspective is particularly brilliant. Mr. Niehaus has kept marvelously well the difficult planes of figures, buildings, and interiors, each in its proper place, and has borrowed from painting many artifices which permit the eye to pass agreeably from the near to the more distant objects. The figures never press forward but keep their relations to the general aspect of the door as a door, and also to their several backgrounds. The figures, moreover, are well proportioned and unconventional.

The most modern scene is, in some respects, the best, although it might easily have been the worst, owing to the difficulty of managing modern coats, hats, and dresses, and presenting in low relief an interior known to everyone. He has done this without being commonplace or trivial. Henry Hudson is the least convincing of all, because we look for more rough and sailorly qualities in the captain and crew of the *Half Moon* than the sculptor has been willing to allow.

Some 50 artists and sculptors executed the pictorial and plastic aspects for the Congressional Library at the National Capital. There are 16 statuary figures representing foremost characters almost from the beginning of history. Mr. Niehaus received the commission for Moses as typifying the Law and Gibbon as representing History.

Mr. Niehaus also executed for the Congressional Library three door spandrels which were carved in wood from his designs.

When a place in the rotunda of the Capital was reserved for two renowned sons of each of the States, Ohio sent the figures of Garfield and William Allen, executed by Niehaus. The latter was famous as a speaker, and the quality of his voice won him the sobriquet of "Foghorn Bill Allen." Mr. Niehaus represented him as an orator in a positive attitude. President Garfield was represented by him as the statesman-orator; his rostrum was beside him, and out of sentiment for his untimely death a wreath with crossed palms was laid at his feet.

In 1900 the State of Indiana provided for a statue to the memory of its war Governor, Oliver P. Morton. A product of Mr. Niehaus, it was sent by the State for a place in the rotunda of the Capital.

In the Senate Chamber, too, can be found a bust of Vice President Tompkins, by Niehaus.

The Hahnemann Monument at Scott Circle in Washington bears further testimony to the art and skill of Charles H. Niehaus. The Homeopathists of America provided the funds for this work. In their published report is found the following:

It was decided to ask sculptors to submit sketches for competition, and to award prizes for the best three. * * * Twenty-four models were submitted by sculptors from St. Louis, Chicago, Philadelphia, Boston, New Haven, Brooklyn, and New York, as well as Paris, Rome, and Florence, representing American, French, German, Spanish, and Italian sculpture. They were exhibited to the public at the gallery of the American Academy of Fine Arts during the week beginning February 4, 1895, being the first exhibition of the kind in this country. The press was invited to a private view, whereby attention was called to the undertaking and a notoriety given it that no other similar sculptural work has obtained. The committee, together with the advisory committee of the National Sculpture Society, consisting of Messrs. Daniel C. French, George E. Bissell, Olin L. Warner, representing

the sculptors, Thomas Hastings and Russell Sturgis representing the architects, unanimously awarded the first prize to the American sculptor, Charles H. Niehaus, and his design was accepted as the model for the proposed monument.

The unveiling of the monument took place on June 21, 1900. President McKinley was present to make an address. The Washington Star, describing the monument, said in part:

The monument which will thus be added to the art treasures of the Nation's Capital is, in the opinion of the National Sculpture Society, under whose auspices the competition for the design of the monument was carried on, as well as others who are qualified to form an opinion, a beautiful as well as an appropriate creation of art. The sitting statue of Hahnemann occupies the central point on the stone platform, which is approached from the front by four steps, and at the back of which rises the superstructure, which is elliptical in form. The treatment is Greek in spirit, and the details are in harmony with this conception. The central portion of the superstructure forming the background of the statue is composed of four columns supporting an entablature. Above this rises what is known as an "attica", bearing the principal inscription: "Hahnemann." Between the two front columns is a niche, which is also elliptical in form, and which terminates in a semicircular arch. Along the base of the elliptical wall are stone seats. Upon the pedestal supporting the statue is the inscription "Similia similibus curantus." On either side of the arch are decorative emblems in bas-relief, a bowl and serpent, the symbols of wisdom, and a lamp and book, typical of knowledge. In two panels in either side of the niche are placed commemorative tablets, representing in bas-relief of bronze the four epoch-making periods of Hahnemann's life, namely, the nightly vigils of the student, the investigation of the chemist, the teacher addressing his class in the university, and the success of his treatment of typhus patients at the hospital. The statue itself is of bronze, the features copied from the bust made by the famous artist, David.

The sculptor, Mr. C. H. Niehaus, whose design has been so successfully wrought out, took into consideration the fact in completing the details that the monument was to be in an open space, so that it could be observed from all sides. He therefore sought to make it attractive from every point of view, and gave much attention to the designing of the rear. The main lines of the central portion of the elliptical wall are repeated in the rear, excepting that the niches are omitted, and in the upper portion there is a decorative tympanum. Across the center, in roman numerals, appear the date of erection and the dates of Hahnemann's birth and death, the latter being encircled with laurel wreaths. In the tympanum of the arch are two figures in bas-relief emblematic of the science of medicine. Underneath this is a fountain in the form of a fluted basin, with a stream of water issuing from a carved dolphin.

The plaster model of the figure of Hahnemann won a gold medal at the Pan American Exposition.

During the campaign of President McKinley for reelection the Ohio Society of New York honored my late sculptor friend by a banquet, for which extensive preparations were made. Among them was the plan to have predominating a huge bust of the President. Mr. Niehaus undertook this work, but abandoned the idea of an exaggerated size when time did not serve to carry out the original intention. Accordingly he executed a life-size half figure of President McKinley in his characteristic attitude of speaking. Following the tragedy at Buffalo the bust was placed on exhibition at Tiffany's, and within a short time the Honorable Charles H. Hackley, a former patron of the sculptor, commissioned Mr. Niehaus to execute a statue. The design shows McKinley as he made his famous speech at the Pan American Exposition the day preceding his assassination. Circling the base of the statue are the words "Our future conquests must lie in the victories of peace."

When the Appellate Division Courthouse, located at Madison Avenue and Twenty-fifth Street, New York, was being erected, its architect, James Brown Lord, selected Mr. Niehaus as advisory sculptor and gave him the largest piece to execute, that of the 50-foot pediment over the entrance. Mr. Niehaus' group for the pediment defines the Triumph of the Law, the subject being centered in a seated female figure supporting two tablets bearing the inscription, respectively, of Lex Scripta and Lex Tradita. Upon her right and left Courage and Valor draw their swords in her defense, and Strength, Wisdom, and Antiquity, with details of symbols, attend her.

At the behest of the Honorable Charles Hackley, the donor, Mr. Niehaus executed the statues of Farragut and Lincoln for Hackley Square, Muskegon, Mich. They were unveiled Memorial Day, 1900. Another statue of Lincoln, similar but distinctive, was made by Mr. Niehaus for the Buffalo Historical Society.

Among his other works, Mr. Niehaus, shortly after establishing his studio at New York, executed the relief known as "Surrender of the Hessians" on the monument to Washington, at Trenton, in my State of New Jersey.

In the Monument News of November 1901 there appears a reproduction of the Drake Monument at Titusville, Pa., together with the following description:

The nucleus of the design is a classic fane of simple Grecian type, approached by a semicircular sweep of low steps and adorned with four ionic columns. It encloses a vaulted and arched niche in which is mounted in a half-seated, half-crouching attitude on a circular pedestal a bronze heroic figure, The Driller, symbolizing the energy of labor and modeled by Charles H. Niehaus. Extending from each side of the fane are curved wings forming the backs of seats and terminating in pillars bearing symbolic figures carved in high relief. The wings are 12 feet high and extend to a width of 28 feet, while the highest point of the roof over the central figure is 18 feet from the base.

The Driller is a forceful example of Mr. Niehaus' work, and shows a magnificently muscled figure with uplifted hammer in the act of driving the drill into the rock. It is instinct with life and vigor, and is strikingly adapted to typifying a pioneer of industry. The figures at the ends of the wings are symbolic representations of Memory and Grief. Memory, to the left of the monument, is a heavily draped figure, in the act of weaving a chaplet, to commemorate the dead. Grief, to the right, is shown carrying an urn, around which is carved the ivy of devotion. The wings are divided into six panels, perforated at the top in latticed design, and each one bearing an inscription telling part of the story of Mr. Drake's life and achievements. No representation of him is to be found on the monument, the idea being to typify his works by suggestive artistic figures rather than to attempt portraiture.

The work was constructed for Mr. C. N. Payne, of the National Transit Co., who represented an unknown donor, supposed to be one of the officials of the Standard Oil Co.

At the Pan American Exposition there was represented more garden sculpture than ever before at any exposition. The series of fountains, groups, and architectural decorations constitute special features of the exposition. Mr. Niehaus contributed two of the largest groups of the Fountain of Nature.

In June 1901 the Chicago Inter Ocean referred to Mr. Niehaus' groups with the following:

Charles H. Niehaus contributes two of the groups of the commissioned sclupture. These, in representing the subject Mineral Wealth, he has centralized into the Story of Gold and the Story of Light, as interpreting, respectively, solid and fluid mineralogy. In the Story of Gold the Genius of Opportunity is seen calling through her fingers to waken the world to its waiting possibilities, and in the Story of Light the Genius of Inspiration is holding aloft a torch to show the source of enlightment. About these pivotal female figures the sculptor has further elaborated his theme by male figures engaged in the manual unfolding of the Story of Gold and the Story of Light, each one's occupation allowing the artist a wide range of muscular posing and vigorous treatment.

In the Story of Gold one man is carrying a wand of witch-hazel, which he stretches out searchingly for the magnetic response which indicates the gold's location; another is digging for the ore; while still another is washing it in a stream. One of the graceful and harmonious bits is the introduction of a primitive crucible with a man smelting the precious treasure, while a restful and human touch is given in two figures, one of which stops in his work to engage in conversation with his fellow laborer near by.

The Story of Light is more subtle in its conception, although hardly less vigorous or versatile in its handling. As in its companion group, the conceived idea is conveyed in an allegorical female figure towering over the actual group. The woman is the Genius of Inspiration and she holds aloft her torch of enlightenment.

In this, as in the other groups, Mr. Niehaus has used primitive utensils as graceful accessories to make his groups hang together effectively. One man is drilling for gas; another is beside a tripod; one is blowing glass. Each figure in both of the groups has been carefully studied; any one of them might well stand for the central idea of the entire group in which it is incorporated as a part.

The Dewey Arch, while an ephemeral undertaking, was the associated labor of the representative sculptors of America. Mr. Niehaus executed one of the four groups featured on the sides. It was called Triumphant Return. This was in commemoration of the victory of Admiral Dewey at Manila.

Mr. Niehaus also executed the design for the equestrian statue of Forrest, the great cavalry leader, for erection at Memphis, Tenn.

Other notable works of this prolific and eminent sculptor are: Bust of Hon. Charles H. Hackley, Muskegon, Mich.; bust of Robert Blum, Art Museum, Cincinnati, Ohio; colossal statue of St. Louis and group for St. Louis, Mo.; bust of Rev. Dr. Collier, Cooper Union, New York; statue of Hon. J. J. Ingalls, Statuary Hall, National Capital; bust of H. H. Rogers; McKinley Statue and Lunette National Memorial, Canton, Ohio; Harrison Monument, Indianapolis, Ind.; Beardsley Monument, Bridgeport, Conn.; statue of Governor Goebel, Frankfort, Ky.; pediment for new State capitol, Frankfort, Ky.; John Paul Jones Monument, Washington, D. C.; Commodore Perry Monument, Buffalo, N. Y.; Zachariah Chandler statue, Statuary Hall, National Capitol; Governor Glick statue, Statuary Hall, National Capital; Hernandez Cortez statue, World's Fair, San Francisco, Calif.; Francis Scott Key Monument, Baltimore, Md.; Soldiers' and Sailors' Memorial, Hoboken, N. J.; Soldiers' and Sailors' Memorial, Newark, N. J.; Soldiers' and Sailors' Memorial, Hackensack, N. J.; Soldiers' and Sailors' Memorial, Des Moines, Iowa; Henry Clay, Statuary Hall, Washington, D. C.; E. McDowell, Statuary Hall, Washington, D. C.

His last work was a bust of Abraham Lincoln now in his late home in Cliffside Park, N. J. I have viewed this work with admiration and reverence. Character, as exemplified by Lincoln, radiates from this wonderful achievement of the sculptor. Of the finest grade of Cararra marble, especially transparent, cut by chisel throughout, it is veritably a treasure—a treasure of art.

Any one of his productions would have gained him fame; his combined works, which have added immeasurably to the national wealth, at the Capitol and over the Nation, place him among our immortals.

THE NECESSITY FOR AN ADEQUATE AMERICAN MERCHANT MARINE AND PACIFIC COAST SHIPBUILDING

Mr. WELCH. Mr. Speaker, I ask unanimous consent to extend my own remarks by revising and bringing up to date the remarks I made on April 29 last with reference to our merchant marine.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. WELCH. Mr. Speaker, during the present session of Congress I have invited the attention of the House of Representatives to some of the problems of the American merchant marine. The President of the United States has forcefully brought this matter to the attention of the Nation by sending a special message to Congress dealing with the subject. More recently the Committee on Merchant Marine and Fisheries, of which I am glad to be a member, has held hearings on this problem and has reported favorably a bill, H. R. 8555, which I confidently believe will meet the needs of the present situation.

We are all in common accord that an adequate merchant marine is necessary. It is necessary in time of peace in order that the entry of American goods into world channels of trade might be guaranteed equality in transportation costs with that of other nations. It is necessary in time of war in which the United States may not be engaged in order to carry on trade and commerce when the ships of other nations might be withdrawn to assist their own navies. It is necessary that we might have an adequate naval auxiliary to meet our own war-time requirements for the transportation of troops, supplies, and equipment. It is necessary that we have adequate shipbuilding facilities always available on our Atlantic and Pacific coasts prepared to meet any emergency requirement.

The President has emphasized these reasons and has stated that direct ship subsidies should be made—

> Based upon providing for American shipping, Government aid to make up the differential between American and foreign shipping costs. It should cover, first, the difference in the cost of building ships; second, the difference in the cost of operating ships; and, finally, it should take into consideration the liberal subsidies that many foreign governments provide for their shipping.

Our own experience and the heavy outlays that have been necessary whenever emergencies have arisen point to the urgency of this matter. The United States could have maintained an adequate merchant marine from the foundation of the country up to the World War at one-half the expense that was necessary at the beginning of that war had we maintained a far-sighted policy. Instead, we permitted American manufacturers and producers to depend on foreign bottoms for shipping American goods. When these ships were withdrawn from trade routes our commerce was helpless. We cannot permit that condition to ever exist again.

Every major maritime nation upon the face of the earth subsidizes its merchant marine directly and openly. The United States stands alone among the nations of the world as one with major maritime interests granting subsidies by subterfuge, under the guise of mail contracts. The time has come when we must recognize the national necessity and purpose of an adequate merchant marine by granting these subsidies openly and directly. They should be granted for ship construction to meet the unfair competition imposed by lower standards of living and consequent cheaper costs in foreign countries. They should be granted for ship operation to such routes in international, intercoastal, and coastal trade that will stimulate commerce, insure flexibility in operation, parity in competition, and surety in protection. The savings to American agriculture and industry thus effected will be far greater than the direct cost to the United States Government and will ultimately save the American taxpayer large sums.

The impetus given to a study of our merchant marine problems by our experience during the World War brought about an orderly plan in its development, but the time has now come when we must rehabilitate and maintain our merchant marine at its highest efficiency in accordance with that plan.

While the United States ranks second only to Great Britain in gross tonnage available for ocean-going traffic, a large part of it is what may be termed "static tonnage." Many of these vessels built during and immediately following the World War cannot meet the competition of modern ships. Technical advances made in type, machinery, and equipment of ocean-going vessels has actually caused the United States merchant fleet to drop to fourth or fifth place among the nations. It is surpassed by every major maritime nation when measured in its ability to quickly and economically carry cargoes from port to port.

Of our entire merchant marine, the United States has only built 11 percent since January 1, 1924, while Great Britain has built 42 percent; Germany, 38 percent; France, 25 percent; Italy, 28 percent; and, Japan, 21 percent. With 89 percent of our merchant marine composed of ships over 11 years old, economy in their operation and fair competition with the ships of other nations is almost futile.

Fuel consumption alone is 30 to 40 percent less on modern vessels than on those built 12 years ago. Mechanical equipment has been improved during the past decade to reduce costs, and other operation costs are similarly higher on older ships. In these times when speed of delivery is a major economic factor, the delays caused by the slower movement of these older vessels adds appreciably to the handicap American shipping has to overcome, as well as to operation costs. Steps must be taken now to regain the cargoes we are losing in ever-increasing numbers.

Coincident with the need for an adequate merchant marine is the need for adequate shipbuilding facilities on both the Atlantic and Pacific coasts. No greater insurance can be given for the success of our Navy than to have proper private shipbuilding and ship-repair yards always available to meet our needs in emergency. The problems involved are much easier of solution on the Atlantic seaboard than on the Pacific coast. At the same time, the need is probably far greater on the Pacific coast than on the Atlantic.

I can recall when shipbuilding was one of the major industries of the Pacific coast. Today it is almost a lost art. Thousands of artisans who formerly worked in shipyards have had to turn their efforts to other lines of trade. Not a single large merchant vessel has been built on the Pacific coast since the World War. With the advent of metal ships, sources of raw material are so distant that shipbuilders, looking primarily to profits, practically ceased west-coast

construction because they could not meet east-coast prices and pay the costs of transportation of supplies to the Pacific.

Under present merchant marine legislation we have loaned $150,000,000 at nominal rates of interest for ship construction. Every dollar of that money has entered into ships constructed within a few hundred miles of this Capitol Building. Certainly, we do not mean national security includes only shipyards within a short radius of Washington. If the primary purpose of this ship-subsidy legislation is to build our merchant marine and shipyards for national security, it must include shipyards on the Pacific coast as well as the Atlantic.

The result of all this has been that there is today not a single privately owned major shipyard on the Pacific coast capable of building a capital ship without first spending large sums to repair their equipment. Notwithstanding this, the United States needs such plants to be available in event of emergency. It must encourage private ship construction on the Pacific coast to guarantee the availability of such shipyards in time of war.

As I have already pointed out, the President has stated as the first purpose in granting these subsidies is to make up the differential between American and foreign costs of ship construction. If this differential is necessary between American and foreign construction, and we are in agreement that it is, the same principle holds true in ship construction in different sections of the United States. There should be a differential allowed to equalize the differences in cost of shipbuilding on the Pacific and Atlantic seaboards.

At one time the Navy Department recognized this principle by allowing a differential in the cost of ship construction at the navy yards on the Pacific coast to equalize the increases due to transportation costs. Congress should also recognize this need and encourage private ship construction. To this end I recommended to the Committee on Merchant Marine and Fisheries and they have included in this bill, H. R. 8555, provision for a direct 6-percent differential in favor of the construction of ships in Pacific coast shipyards for vessels to enter into the foreign trade and commerce of the Pacific coast and the equivalent of this 6-percent differential through a three-fourths of 1 percent reduction in the interest rate charged for construction loans on ships constructed on the Pacific coast for domestic trade, coastal or intercoastal, home ports of which will be on the Pacific coast. This principle is agreed as necessary by representatives of the shipping and shipbuilding industry, whose primary interests are on the Atlantic seaboard.

This policy will encourage the rebuilding of shipyards already on the Pacific coast but now used only for ship repairs, thus guaranteeing to the United States adequate ship construction and repair facilities for capital ships, both merchantmen and naval.

The effectiveness of our efforts will depend in some measure upon the administration of such legislation as may be enacted. Upon Congress rests the responsibility of effecting the policy and appropriating the funds. We should now prepare to regain our portion of the world's commerce. We should now stimulate American ship construction in all sections of our coast. If we do not, we cannot hope to overcome the obstacles which will be in our way as international trade increases with improving conditions. Neither can we hope to avoid wasteful expenditure of billions of dollars to provide an adequate naval auxiliary should an international crisis arise. It is the cheapest form of insurance, guaranteeing security to our commerce in time of peace and security to our Nation in time of war.

CONVENTION OF THE NATIONAL LEAGUE OF DISTRICT POSTMASTERS

Mr. EDMISTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address delivered in Martinsburg, W. Va., yesterday on the foundation of the Rural Free Delivery System, made by Assistant Postmaster General J. Austin Latimer.

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

There was no objection.

Mr. EDMISTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address of Hon. J. Austin Latimer, Special Assistant to the Postmaster General, at the State convention of the National League of District Postmasters, Martinsburg, W. Va., Friday, June 21, 1935:

Mr. President, ladies, and gentlemen, it has been my privilege to attend conventions of the League of District Postmasters in a number of States during the past few years, but this is the first occasion on which I have had the pleasure of meeting with you postmasters of West Virginia.

When your able Representative in Congress, and my good friend, JENNINGS RANDOLPH, extended your invitation to me, I accepted with a great deal of pleasure, as it afforded me not only an opportunity to visit your State for the first time, but to appear on this program with him and your National and State officers.

I come here not only to represent the Post Office Department—possibly the greatest business establishment in the world—but to bring you Postmaster General Farley's personal greetings and best wishes for a very successful convention.

As you know, the Post Office Department is fully alive to the advantages and benefits that accrue both to the Department and to each one of you postmasters through such an organization as this. It is the finest medium for the exchange of ideas beneficial to the Postal Service that we can have, and it is so recognized.

No persons in public life have greater opportunities for service than postmasters and other postal workers. You are not only, in many cases, the only direct representative of the Federal Government in your community, but in your daily contacts with the public you have an opportunity and responsibility which few men and women enjoy. The high purposes of government require that, regardless of the race, creed, or political affiliations of your patrons, you give them complete and equal service. As a district postmaster of Mississippi expressed it in a letter appearing in a recent issue of the Postmasters Advocate—

"A postmaster must be, or at least is expected to be, the best-informed person in the community. They must know human nature, the whims, the heartaches, the joys, the financial standing of their entire community, and in addition must know the addresses of all who have moved away, even though they slip off in the nighttime. They must know the cause for the delay in any mail due their patrons when it is called for. In other words, they must be a living, walking, sitting bureau of general information, never failing, never tiring. In order to do so and be all of the above, the postmaster must avail himself of every possible opportunity for informing himself."

The efficiency and courtesy with which you perform this public service, and the dignity with which you conduct yourselves as officers and men ofttimes is the measure of respect your fellow citizens have for the Government.

Just before leaving Washington, I had a little chat with Mr. Martin Scranage, assistant superintendent of the Division of Postmasters, who hails from Fairmont, W. Va., and who was a personal friend of Postmaster General William Lyne Wilson. "Mr. Wilson was indeed a fine man", he said—"one of the ablest men in West Virginia, a wonderful speaker with a wonderful personality, who took particular delight in helping young men in their careers", and I find the printed life of Mr. Wilson corroborates all the fine things Mr. Scranage had to say of him.

Inasmuch as William L. Wilson is the only Postmaster General from West Virginia, and it is quite possible there are some in the audience here today who knew him personally, perhaps it would not be amiss for me to review a few events in the life of this outstanding statesman, best known as the "Father of the Wilson tariff bill", who placed principles above political expediency and duty above self. The New York Times in an editorial concerning Mr. Wilson's work as Postmaster General, made the statement—

"There is not at this moment a single man in public life in the United States who has rendered more practical, difficult, and enduring service."

During his term as Postmaster General, the rural delivery system was put into operation—the first experimental rural delivery service in the United States being established from Charlestown, Uvilla, and Halltown, W. Va., effective October 1, 1896, with H. C. Gibson and Frank Young the first rural carriers. Rules governing promotion in the Department itself, and in the Railway Mail Service were adopted, the purpose of which was to stimulate and reward merit; and a strong and persistent effort was made to secure from Congress the passage of laws for the correction of abuses in second-class mail matter, and for the consolidation of post offices into districts, thereby bringing a large number of the fourth-class office under civil service; reforms whereby the Postal Service of the country would be improved and made self-supporting.

As an educator, statesman, and high Government official, few men have rendered more outstanding service than William Lyne Wilson.

Because my first connection with the Post Office Department was as secretary to Postmaster General Farley, I am particularly interested in coming to the home town of that distinguished Democrat and American, Newton D. Baker, who served in a similar capacity under Postmaster General Wilson. I know that I am voicing not only your sentiments, but those of the entire country, when I say that Mr. Baker is the most outstanding son of Martinsburg living today. It is interesting to note how closely his life was entwined with the lives of those two great Virginian Wilsons—Woodrow and

William Lyne, and we are safe in assuming that his close association with Woodrow Wilson while a student at Princeton, and his intimate contact with William Lyne Wilson played an important part in preparing Newton D. Baker for the heavy responsibilities later to be placed on his shoulders.

In the State of West Virginia today there are 425 rural routes covering 11,402 miles, and 268 miles of air mail routes, with three scheduled stops. Prior to the reorganization of the Air Mail Service your State was without any air mail facilities whatsoever, and it took 6 hours for mail to travel by train between two stops in your State where now the airplane carries it in just 1 hour.

In the matter of post offices, I find West Virginia has 1,733 offices—more than any of the other States excepting New York, Pennsylvania, Texas, Virginia, and Kentucky.

As you postmasters, of course, know postal receipts reached low-water mark during July 1933, when they amounted to only forty-two and one-half million dollars. In April of this year the receipts were fifty-four and one-half million, an increase of slightly over 28 percent. Inasmuch as it is generally conceded that the fluctuations of the postal revenues are a good index to business conditions, these figures are certainly encouraging.

Mr. Slattery, our comptroller, recently stated to me, "I feel that the Postal Service is definitely out of the depression insofar as revenues are concerned and that recovery measured in terms of postal revenues is well under way."

What does this mean to you and to me? It means that the pay cut has been restored; that furloughs are a thing of the past; that vacancies are being filled as they occur, except at a few offices where it appears there is still a surplus. It means that since last August hundreds of substitutes have been advanced to regular positions, though the Department is not relaxing its efforts in their behalf.

All this could not be accomplished in a day nor in a year. It could not be accomplished without some hardships. It could not have been accomplished without the loyal and continued cooperation of our entire personnel during that trying, discouraging period of the pay cut and the furlough. But now recovery in the Postal Service is well under way, and in like manner recovery throughout this great country in general is under way as the President's great recovery program swings into action.

I say to you, without hesitation and without fear of successful contradiction, that we have today in the White House one of the greatest administrators this Nation has ever known. In the dark days of early 1932, when the skies were overcast and our country seemed on the brink of disaster, a prominent Democratic politician was asked the question, "What is the greatest need of the Democratic Party?" His answer was, "More Democrats." If I should be asked, "What is the great need of our country today", I would answer in all sincerity, "More men in high places like Franklin D. Roosevelt." Let us of the Postal Service be loyal not only to our own organization and our own Department but, regardless of our political faith, loyal to the administration and our beloved President, who is giving every ounce of his energy and effort to leading this country back to happier days. I know that you feel, as I do, a pride in having a part in the administration of President Roosevelt, and that it is a privilege to help him in his program of relief, recovery, and reform. You know and I know that our great leader is not thinking in terms of political parties, but, like two of his great predecessors, Lincoln and Wilson, the serious responsibility of his leadership makes him conscious of his duty to every American, and we rejoice that Franklin D. Roosevelt has faith in the American people and in the God that watches over them.

MEXICO

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

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

There was no objection.

Mr. BOYLAN. Mr. Speaker, my attention has been drawn to an address delivered in New York at the invitation of Station WOR on their forum hour, May 5, 1935, by Mr. Eduardo Villaseñor, Mexican consul general, stationed in New York City. Since the Mexican Government dares to submit its case to the world and more specifically to the judgment of the American people, I feel obliged to refute the numerous falsehoods and misrepresentations which abounded in the discourse of Mr. Villaseñor.

In the first paragraph of his address the Mexican consul general pretends that there is going on a campaign carried out against Mexico "by the Catholic hierarchy." This is a cowardly lie. It is well known that the organ of the Episcopal Church—The Living Church—in this country has more than once condemned the Mexican attitude on religion as a "major scandal in world affairs." Numerous enlightened, intelligent, and fair-minded Protestant prelates and laymen, Jewish rabbis, and leaders of public opinion have in unmistakable terms, and on occasions too numerous to mention, condemned the assault on God which is now being carried on in the Republic of Mexico. Only a few weeks ago there was published in the city of New York a carefully documented volume entitled "Chaos in Mexico", by Dr. Charles S. McFarland, secretary general emeritus of the Federal Council of the Churches of Christ in America. Dr. McFarland made a careful and extensive visit to Mexico precisely to find out whether religion as such and not merely the Catholic Church was the subject of persecution. He returned a categorical answer on that subject, stating that the assault was one upon the idea of God and religion as such. The American Hebrew has likewise protested against the persecution of all religions in Mexico. Baptists, Methodists, Presbyterians have likewise protested against this persecution. The National Conference of Jews and Christians has gone on record in most emphatic terms condemning the official Mexican persecution of religion. Jewish synagogues have been closed in Mexico. Mormon temples in the State of Chihuahua have been closed for the purpose of public worship. Even the schools conducted by British, French, and American citizens have been given the choice of accepting socialistic and gross forms of sexual education or complete elimination from the Mexican scene.

In the second paragraph of his speech, Mr. Villaseñor makes mention of "historical facts." I challenge him to deny the following historical facts: First. That the first hospital on this continent was the Hospital of Jesus in Mexico City; that the first university was founded under religious auspices in Mexico; that the first medical school was erected; and that the first printing press and first book available on the North American Continent were brought from Spain to Mexico by the first Bishop of Mexico City. The first book printed in North America came from the press of Bishop Zummraya. Mr. Villaseñor is the one who has forgotten history and is now making an attempt to distort the facts.

In the third paragraph of his speech Mr. Villaseñor condemns "sectarian sheets" in the United States for the publicity they have given to the extremes of religious persecution practiced in Mexico. Does he consider the New York Times a sectarian sheet? This newspaper printed an authentic report of the murder and assault on innocent men, women, and children at Guadalajara, Mexico. Does he consider S. L. A. Marshall, of the North American Newspaper Alliance, a "sectarian" when he says that in Mexico religious freedom has ceased to exist? And, finally, does he regard Robert Hammond Murray, who has written a splendid series of articles in Today and has published several letters in the New York Times, as a partisan and "sectarian" when he describes the facts of the present persecution in Mexico? None of these gentlemen can be charged with having any tinge of Catholic bias.

In the fourth paragraph of his speech Mr. Villaseñor criticizes books which have been published on this subject. The two books that have been referred to most frequently and favorably by the American press are: First, Chaos in Mexico, by Dr. Charles S. McFarland; and, second, Blood-Drenched Altars, by Bishop Kelley, of Oklahoma. As far as I am aware, not a single fact related in either of the two books has ever been effectively refuted by the Mexican Government.

Mr. Villaseñor does give a summary in brief of the amendment to article 3 of the constitution of Mexico. This statement proves the contradiction to the principles of the natural law upon which the Constitution of the United States was predicated. It reads as follows:

1. Education shall be provided by the state.
2. Education shall be socialistic, divorced from all religious doctrines, and shall combat fanaticism and prejudice in such a way that school activities will create in Mexican youth a rational concept of the world and social life.
3. Only Federal, State, and municipal authorities shall have the right to give primary-, secondary-, or normal-school education.
4. Religious groups of ministers will be forbidden to interfere directly with primary-, secondary-, or normal-school education.
5. The formulation of educational programs shall be entirely under the state control.
6. No private school may function without State authority.
7. Primary education for children shall be compulsory and provided free by the state.

What Mr. Villaseñor fails to note is that this series of laws in itself is a persecution and a species of tyranny.

Mr. Villaseñor asks the following question: "Does nonreligious teaching necessarily imply antireligious education?" To that I answer by revealing the blasphemous version of the "Our Father", that prayer dear to the heart of all who believe in God in His Heaven, which was published in Christo Rey, an official publication of the Government while Garrido Canabal was Minister of Agriculture.

"Our Father, who art not in heaven", for there is neither a God nor any question of sanctity to say nothing of saints—only imbeciles believe in them—"I mock and blaspheme You. May Your kingdom never arrive, pure and upright, and let Your will accomplish itself in burning statues and hanging ministers of religion and in destroying all churches both in the country and in the city."

Apparently Mr. Villaseñor is unaware of the fact that the United States Supreme Court has declared that the parent primarily has the right of education of the child and that the child, in this historic decision, is not a mere creature of the State.

It is a lie that Mexico has had to conquer Catholic resistance at every move toward social progress. Every attack upon the Catholic Church in Mexico during the past 200 years has coincided with a lowering of the standard of living and abridgement of liberty, and has retarded social progress. To give only one example, there was established over 100 years ago one of the most beautiful, a most splendidly equipped and charitably inspired orphanage, by Bishop Cabañas in Guadalajara, Mexico. This saintly prelate begged alms to erect this orphanage for the abandoned boys and girls of Mexico, traveling on foot from the jungles of Yucatan to the arid, desertlike plain of Sonora. Now 100 years after his death, in an institution built by Christian charity and inspired, if any institution in the world was ever inspired, by the love of God, it is not permitted to mention religion or to speak of goodness, conscience, or divine love. If you visit the orphanage of Padre Cabañas today you will find not a single emblem of religion; you will be greeted by no hymn in praise of the Deity. No words of the supernatural life are spoken within the precincts of that charitable institution originally consecrated to the love of God. On the contrary, children are paraded before you singing with pathetic accent the ribald songs of the streets, and the cheap tunes of the jazz age, "I love you, I hate you, I could kill you, kissing you."

The Cabañas orphanage and others like it built through the sacrifice of religious and laymen throughout Mexico in past centuries are now the object of destruction and fanatical attack inspired by those who undertake to speak for the poor and the dispossessed. They show their love for the poor by destroying their orphanages which have served to ameliorate their condition and care for the children of the poor throughout the centuries, when the radicals and their kind were too busily engaged in furthering their own interests at the expense of their fellows to join in giving alms for the relief of the unfortunate.

Toward the end of his address Mr. Eduardo Villaseñor has the audacity to claim that not a single one of the 50,000 federal employees of the present administration have been discharged on account of religion. He disregards entirely the authentic report carried by the Associated Press and other national press services last October—which gave the names and the number of those internes and nurses who had been discharged from their positions in hospitals because of their refusal to take part in an anti-God demonstration of the Mexican Government.

However, in order to give the lie direct to this charge and to put on record something which 20 years ago would have horrified the people of the world, I am going to give the names of two eminent world-renowned artists and scholars who, simply because they failed to march in the atheistic demonstration of the Mexican Government, were discharged from their positions. I refer to Don Frederigo Mariscal, chief architect of the National Palace of Fine Arts in Mexico City, celebrated in artistic circles throughout the world for his genius and honored universally for his noble character. The second was a Protestant, Dr. Alonzo Caso, the most gifted archeologist in the employ of the Federal Government, a gentleman who accompanied the party which exhibited the jewels, found in the State of Oaxaca, on a triumphal tour of the United States. Dr. Caso exhibited the archeological treasures of his native land in the Pennsylvania Station in New York City and in the Union Station in the city of Washington. He has many friends in the United States and also in Europe and South America. Here were two outstanding artists and scholars whose names I furnish for your records and who are known everywhere for their genius and scholarship. They were dismissed from their positions because of their refusal to join in a demonstration against the sacred majesty of God. This was one of the most criminal blows struck at the ideals of art, culture, and religion in the whole history of mankind.

On the last page of his address the Mexican consul general states that the Mexican Embassy in Washington gave a statement to the press on February 28, 1935, denying that the Government of Mexico has ever authorized any Federal board of education or any single one of its teachers throughout the Republic to compel anybody, either teacher or pupil, to sign the pledge which appeared in American newspapers. Once more I refer to the book by Dr. Charles S. McFarland. His researches verified the oath. I also refer you to the text of the oath administered in the State of Michoacan to teachers throughout the State and countersigned by the federal inspector of education:

QUESTIONNAIRE

Name _____ Age _____
Civil condition _____
Normal school graduate or not _____
Name of institution _____

I. Declaration of adherence to article 3 of the constitution (socialistic education).

II. Declaration of purpose to inculcate doctrines of socialism of the Republic.

III. I declare my purpose to teach without reservation the postulates and principles as they are proposed by the National Government.

IV. I declare absolutely that I do not profess either the Catholic faith or any other religion.

V. I declare absolutely that I will combat by all possible means the efforts of the Catholic clergy and all other ministers of religion.

VI. I declare absolutely that I will not practice any act of religion, interior or exterior, be it of the Catholic Church or any other religion.

Place and date _____

_____
(Signature of teacher)

The inspector of federal education who affixes his name must ascertain that the above signature is the one employed by the teacher in all his official business.

_____
(Signature of inspector)

There are photostatic copies of these oaths in Washington and in Baltimore showing the names the teachers have signed and also the name the inspector of education has signed.

In other words, Mr. Villaseñor will have to furnish us with something better than mere denials of these facts that have been vouched for by the highest authority and reported by eye witnesses of these events which clearly establish the opposition of the Mexican Government to religious liberty and the love of God.

H. R. 7810, TO AMEND THE NATIONAL BANNKRUPTCY LAW

Mr. WOOD. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the bill H. R. 7810, a bankruptcy act which I introduced.

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

There was no objection.

Mr. WOOD. Mr. Speaker, the following statement is submitted with respect to H. R. 7810, in the nature of an act to amend the national bankruptcy law.

Let me explain at the outset that the bill I have introduced is not an amendment to any bill heretofore introduced by the gentleman from North Dakota [Mr. LEMKE] nor designed in any way to interfere with the operation of the Frazier-Lemke Act; but, on the other hand, to make

it possible for that act to be more generally availed of by those desiring to obtain its benefits.

One of the objects of the bill is to derive for the Government a return for the expense being incurred by the Government in administering the bankruptcy law. The bill, if passed, will enable the Treasury to get its share of a large volume of expenditures flowing in other directions. When the national bankruptcy law was passed in 1898 the creditor class, which was responsible for the drafting of the law, desired to make the expense of the administration thereof as low as possible. To that end it was provided in the law that the United States should obtain the benefit of a docket fee paid to the clerk of the court. No matter how long the estate remained in court, nor how many orders were entered therein, nor how much money was disbursed in the proceeding, the return to the Government could not exceed the docket fee. The clerk received a salary and paid his fees into the Treasury. So the entire sum of $10 in each and every proceeding was the sum total of the amount realized by the Government. For example, a case was recently argued in the Supreme Court of the United States arising under section 74 in which the Government realized only the docket fee of $10, and the referee was paid $20,000. The referee is now claiming an additional compensation of $110,000, but there is no way by which the Government can claim for itself more than the original $10. In one case pending in Maryland, a holding corporation owns large blocks of stocks in several transcontinental railway systems. The assets amount to several hundred millions of dollars, and the costs taxed in favor of the Government under section 77 of the present law will be $130. In the many bankruptcy proceedings pending in the United States, thousands of dollars are being paid out in the fees or receivers, trustees, referees, attorneys, bondholders' committees, reorganization managers, and investment bankers, while the amount received by the Government which provides the machinery by which the desired results are accomplished is a mere pittance. In the meantime the Government is called upon to pay the salaries of judges, of deputy clerks, and other officials, and to pay out large sums of money by way of stationery and other expenses. Subdivision (a) of the proposed bill will remedy this state of affairs.

Subdivision (b) is administrative of the provisions contained in subdivision (a).

Subdivision (c) is of especial importance in cases arising under sections 74 and 75 where the principal assets are usually covered by mortgages in excess of the value thereof. The effect of subdivision (c) is to make the allowances for costs, especially attorneys' fees, also wages deemed preferential under section 64 (b) payable out of the estate prior to the mortgage on the assets.

Subdivision (d) provides for the payment of certain costs in the circumstances therein stated out of the United States Treasury. Subdivision (d) is the only provision in the bill which calls for an expenditure of public funds. It is believed that the amount which may be paid into the Treasury under subdivisions (a) and (b) of the act, will be largely in excess of the amount paid out under subdivision (d) and may be more than sufficient to pay the total expense incurred by the Government in administering the bankruptcy law in its entirety, leaving a surplus to the Government.

Subdivision (e) is applicable only to individuals. It is to the interest of society that insolvent individuals be financially rehabilitated. This principle is the justification of the national bankrutcy law. Under the present law an insolvent individual is given permission to file proceedings under sections 74 or 75, but in many cases is entirely without funds with which to obtain this relief. The result is that attorneys confronted with the problems of existence and interested in earning a living are not giving attention to the bankruptcy law; hence insolvent debtors are not able to obtain adequate professional assistance and are practically denied the benefit of the present bankruptcy laws.

Subdivision (f) is important with respect to claims for personal injuries, including injuries resulting in death, and claims for workmen's compensation. The general bankruptcy law was written from a commercial point of view and did not make any provision for the allowance of such claims against the estate of a bankrupt. An effort was made to remedy this omission in section 4 of the act of June 7, 1934. But as written that section seems to mean that if a person is injured, that thereafter the wrongdoer is adjudicated a bankrupt and the injured person thereafter dies the claim is not provable. In other words, the death must occur before the adjudication in order to make the claim therefor provable.

As to other damages, that is, damages for personal injury other than workmen's compensation, under clause 6½ of section 4, a cause of action for negligence under that clause is not provable as a claim against the estate of a bankrupt unless a suit was pending against the bankrupt at the time the petition was filed. Under the act of June 18, 1934, such claims were not provable in any proceeding in bankruptcy which had not been finally closed, but which had been pending for more than 6 months.

Subdivision (g) fixes a time within which claims arising under section (f) may be provable.

Subdivision (h) is applicable to claims of the character specified in subdivision (f); that is, claims for personal injuries, death arising therefrom, and workmen's compensation. These claims are made payable in full under the proposed bill prior to outstanding liens or mortgages.

Subdivision (i) is intended to cover an attempted evasion of subdivisions (f) and (h). If such an attempt is made by filing a suit in equity in which provision is not made for the payment of the claims now being discussed, then such omission is made an act of bankruptcy. So that it would be possible, in case of such evasion, to then have the debtor adjudicated a bankrupt and thus make subdivisions (f) and (h) fully operative.

Subdivision (j) makes it clear that the provisions of the bill are retroactive.

No attempt has been made in this statement to argue the justice or the propriety of the proposed bill. That task will be reserved until the committee to which the bill is referred shall have made its report thereon.

APPLICATIONS FOR LOANS UNDER HOME OWNERS' LOAN ACT OF 1933

Mr. McLAUGHLIN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution (H. J. Res. 332) to provide an additional period of time within which to file applications for loans under the Home Owners' Loan Act of 1933.

The Clerk read as follows:

House Joint Resolution 332

Joint resolution to provide an additional period of time within which to file applications for loans under the Home Owners' Loan Act of 1933

Resolved, etc., That the first sentence in subsection (c) of section 4 of the Home Owners' Loan Act of 1933, as amended, is amended to read as follows:

"(c) In order to provide for applications heretofore filed, for applications filed within 60 days after this amendment takes effect, and for carrying out the other purposes of this section, the Corporation is authorized to issue bonds in an aggregate amount not to exceed $4,750,000,000, which may be exchanged as hereinafter provided, or which may be sold by the Corporation to obtain funds for carrying out the purposes of this section or for the redemption of any of its outstanding bonds; and the Corporation is further authorized to increase its total bond issue for the purpose of retiring its outstanding bonds by an amount equal to the amount of the bonds to be so retired (except bonds retired from payments of principal on loans), such retirement to be at maturity or by call or purchase or exchange or any method prescribed by the Board with the approval of the Secretary of the Treasury: *Provided*, That no bonds issued under this subsection, as amended, shall have a maturity date later than 1952."

Mr. SNELL. Mr. Speaker, reserving the right to object, I should like to know if there is not someone on the majority side who is going to object to consideration by unanimous consent of such an extended resolution?

Mr. BLANTON. The only change which the resolution makes in the present law is to extend the time from 30 days to 60 days.

Mr. McLAUGHLIN. Mr. Speaker, will the gentleman from New York withhold his objection to permit me to make a statement?

Mr. SNELL. Certainly I will withhold the objection to permit the gentleman to make a statement, but I assure the gentleman I am going to object.

Mr. McLAUGHLIN. Mr. Speaker, the only change this resolution will effect will be to extend the period within which applications may be filed from 30 days to 60 days. The bill passed by Congress became effective on May 28 and provided that applications might be filed for 30 days after the effective date of the act. This time expires on June 27. I have heard from my part of the country that people who might possibly desire to make applications for loans are not aware of the fact that the time expires so soon. My purpose in introducing this resolution is to have the time extended to July 27 in order that those who are not informed and who are not aware of their rights may have that opportunity to file their applications.

An article appearing in this morning's paper indicates that there is plenty of money left to take care of these applications. At the time the act was passed we expected 160,000 mortgagors would file applications, but up to the 13th of this month only 33,545 applications had been filed. It was expected that the entire sum of $1,750,000,000 would be used, but, as a matter of fact, the applications filed up to this time will take but $1,100,000,000. So there is ample money to take care of further applications, and my desire is simply that we afford the people of the country who want to take advantage of this act ample time within which to file their applications.

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

Mr. McLAUGHLIN. I yield.

Mr. BLANTON. Every word in the resolution is the present law except the one change from 30 days to 60 days. Is not this correct?

Mr. McLAUGHLIN. That is correct.

Mr. BLANTON. But in order to comply with the technicalities of drafting legislation the gentleman had to repeat the language of the present law in his resolution.

Mr. McLAUGHLIN. I thank the gentleman for his contribution. That is the only change brought about by the resolution.

Mr. SNELL. Mr. Speaker, this is an important piece of legislation and has been on the statute books only 20 days. If an amendment of the law is necessary, the amendment should be considered by the proper committee and go through the regular channels.

Mr. Speaker, I object to taking up the matter in this way.

ADJOURNMENT OVER

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. The gentleman from Colorado asks unanimous consent that when the House adjourns today it adjourn to meet on Monday next. Is there objection?

There was no objection.

TEXAS CENTENNIAL EXPOSITION

Mr. DIES. Mr. Speaker, I call up House Resolution 264.

The Clerk read as follows:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate Joint Resolution 131, a joint resolution providing for the participation of the United States in the Texas Centennial Exposition and celebration to be held in the State of Texas during the years 1935 and 1936, etc. That after general debate, which shall be confined to the joint resolution 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 Foreign Affairs, the joint resolution shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the joint resolution for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

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

The SPEAKER. Evidently there is not a quorum present.

CALL OF THE HOUSE

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

A call of the House was ordered.

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

[Roll No. 101]

Andrews, N. Y.	Dorsey	McClellan	Ransley
Arends	Doutrich	McGroarty	Reece
Bacon	Ferguson	McLaughlin	Rogers, N. H.
Bankhead	Fish	McLean	Russell
Brown, Ga.	Flannagan	Martin, Colo.	Ryan
Brown, Mich.	Focht	May	Sadowski
Buckley, N. Y.	Fulmer	Mead	Schaefer
Bulwinkle	Gambrill	Merritt, Conn.	Schneider
Cavicchia	Gassaway	Miller	Sears
Celler	Gifford	Mitchell, Ill.	Seger
Chapman	Gildea	Montet	Shannon
Clark, Idaho	Goldsborough	Moritz	Sisson
Clark, N. C.	Gray, Pa.	Murdock	Smith, Conn.
Cochran	Haines	Nichols	Smith, Va.
Collins	Hancock, N. C.	O'Connell	Stubbs
Cooley	Hartley	Oliver	Tobey
Cooper, Ohio	Hook	Patman	Tolan
Costello	Kerr	Perkins	Turner
Cummings	Kopplemann	Peterson, Fla.	Underwood
Dear	Lamneck	Pettengill	Whelchel
DeRouen	Larrabee	Peyser	Wilcox
Dickstein	Lea, Calif.	Plumley	Wilson, Pa.
Dingell	Lemke	Polk	
Dirksen	Luckey	Ramsay	

The SPEAKER. Three hundred and thirty-seven Members have answered to their names, a quorum.

On motion of Mr. DIES, further proceedings under the call were dispensed with.

TEXAS CENTENNIAL EXPOSITION

Mr. DIES. Mr. Speaker, I yield 30 minutes to the gentleman from Massachusetts [Mr. MARTIN]. I shall consume only a few minutes of the time of the House.

Mr. Speaker, this is a rule to permit consideration of Senate Joint Resolution 131, which has passed the Senate, and which authorizes the appropriation of $3,000,000 for participation by the United States in the Texas Centennial Exposition. The State of Texas has already raised approximately $9,000,000. The legislature appropriated $3,000,000, and the city of Dallas raised $6,000,000. We are asking the Federal Government to cooperate in this great exposition to commemorate the historic period of the State of Texas to the extent of an authorization of $3,000,000.

Mr. Speaker, this is not a local matter, because the heroic fathers who established the Republic of Texas came from practically every State in the Union. It is therefore a national matter; and as such, we come to the House asking its cooperation.

There is not in the State of Texas or in the House of Representatives a man more familiar with the history of Texas than my colleague the gentleman from Texas [Mr. LANHAM], nor is there a spokesman so ideal and so fitting for this particular occasion than he. [Applause.] I therefore yield to my very dear friend and our most distinguished colleague [Mr. LANHAM] such time as he may require. [Applause.]

Mr. LANHAM. Mr. Speaker, the rule now before us makes in order a measure to provide for Federal participation in a celebration in which every American may justly take pride. Accordingly, that participation should be adequate to effectuate the purposes which inspire it. The exposition to be held in Texas is not an ordinary one; it is distinctly unique. In the history of our country there has been no celebration similar or analogous to it. It marks the observance of the centennial anniversary of a successful American struggle for independence. It commemorates the formation of a republic which was subsequently and amicably absorbed by another republic. Indeed, I doubt if there can be found a counterpart of the history which prompts our present contemplation.

Unless you are familiar with various features of that history and its consequences, you cannot understand the considerations which urge the adoption of this authorization

for an appropriation of $3,000,000. The time at my disposal is too brief for their thorough discussion, but I wish as tersely as I may to bring to your attention four phases of this proposal:

In the first place, I would impress upon you that the history to be celebrated is in no way provincial. It is definitely and comprehensively American. Secondly, I would acquaint you with the important significance of that history to the United States in the acquisition and development of practically one-third of its territory. [Applause.] I would show you, in the third place, what the State of Texas has done and is doing to make this centennial celebration a success, and, fourthly, some of the ways in which the Federal Government may appropriately participate.

In the early part of the last century Moses Austin, a Connecticut Yankee, an outstanding American with a vision of the possibilities of our new Nation, conceived the idea of an American colony in Texas, then a vast area under the domination and control of Mexico. Because of the handicaps he encountered and the hardships he endured in that undeveloped empire, he passed away before his work was completed. It remained for his son, Stephen F. Austin, under difficulties insurmountable to a spirit less intrepid, to carry on the enterprise successfully and to become by popular acclaim "the father of Texas."

The families that constituted that first colony came from various States of the American Union as that Union then existed. Subsequent colonies were of similar American origin. These rugged pioneers were not mere adventurers. Some of them had served in the Congress of the United States. Some had occupied high judicial and professional positions. They were broad-minded Americans, typical of the best character of their respective sections, carrying with them to their new home American principles and American ideals.

Their lot became a hard one, but time has sweetened for our country the uses of their adversity. Indignities were heaped upon them. They were harassed by the Mexican Government very much as the Thirteen Original Colonies had suffered at the hands of the mother country. Though the odds against them seemed overwhelming, they declared boldly their independence of Mexico. Nothing could daunt the spirit of such sturdy patriots. Of the 24 States then in the American Union 17 were represented among the signers of that declaration: Massachusetts, New Jersey, Pennsylvania, New York, Illinois, Missouri, Virginia, Tennessee, Alabama, Louisiana, North Carolina, South Carolina, Georgia, Kentucky, Florida, Arkansas, and Mississippi.

Time does not permit me to recite in detail the valorous deeds which led to the establishment of the independence these brave Americans had declared, but I know you will pardon the mention of one or two glorious examples. You have all heard, but perhaps do not recognize as your own hallowed heritage, the story of the Alamo. That sacred shrine was held by less than 200 men under the command of William Barrett Travis, of Alabama. They were not native Texans. Most of the native Texans of those days were Indians and Mexicans. They were Americans from your States, your illustrious forefathers. They were surrounded by the overwhelming forces of the enemy. While there was still opportunity to get a message through the lines, Travis sent forth a letter. It was addressed to all Americans in the world, for these beleaguered heroes were Americans fighting in the cause of liberty. These are the words of that immortal message; hear them and see if you can surpass them anywhere in the treasured annals of any land, these stirring words sent from this scene of martyrdom to your people:

> Fellow citizens and compatriots, I am besieged by a thousand or more of the Mexicans under Santa Anna. I have sustained a continual bombardment and cannonade for 24 hours and have not lost a man. The enemy has demanded a surrender at discretion, otherwise the garrison are to be put to the sword if the fort is taken. I have answered the demand with a cannon shot, and our flag still waves proudly from the walls.
>
> [Applause.]
>
> I shall never surrender or retreat.
>
> Then I call on you in the name of liberty, of patriotism, and everything dear to the American character to come to our aid with all dispatch. The enemy is receiving reinforcements daily and will no doubt increase the three or four thousand in 4 or 5 days. If this call is neglected, I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due to his own honor and that of his country. Victory or death.

[Applause.]

And within the walls of that Alamo every one of that heroic band attested the sincerity of those words with his life's blood. They were Americans all, Americans worthy of the name; Americans who came from your country; Americans like David Crockett, of Tennessee, who with his rifle, "Old Betsy", which had been given him by the Young Men's Club of Philadelphia, took abundant toll from the enemy [applause]; Americans like James Bowie, of Georgia, originator of the famous Bowie knife. [Applause.] Would that I had time to name them all and tell you whence they came! Would that I had time to speak of Goliad, where another massacre occurred through the perfidy which marked the campaign of Santa Anna, that self-styled "Napoleon of the West"; or of old Ben Milam, of Kentucky, who in the early stages of the conflict shouted the challenge: "Who will go with old Ben Milam into San Antonio?"

Within 2 months after the fall of the Alamo a small but unyielding band of American patriots faced at San Jacinto the oncoming hordes of the foe. With the opposing armies in position, "Deaf" Smith announced that he had cut down the bridge which could serve as the enemy's only source of retreat. That was to be the finishing fight in this struggle for American independence. There on the 21st day of April 1836 these soldiers of freedom from all our States, unmindful of the fearful odds against them, rushed forth shouting the slogan which inspired them, "Remember the Alamo! Remember Goliad!" They were led by the immortal Sam Houston, that distinguished son of the Old Dominion, whose career is without a parallel in history. The superior numbers of the enemy were of no avail. Those stalwart Americans under Houston could not be vanquished. Their success was phenomenal, but their victory complete. The Alamo and Goliad had been avenged and in our beloved America a new republic was born.

It is said that, with his cherished dream of an empire in the great Southwest, this startling triumph led the dejected Aaron Burr to exclaim, "I was 30 years too soon!"

It has been truly said, "Thermopylae had its messenger of defeat; the Alamo had none." [Applause.] In a similar way some day a coiner of epigrams may suitably and tersely epitomize the battle of San Jacinto, but its significance to America seems to transcend the power of words.

And so in 1836 this continent of ours boasted another American Republic. It had its flag, its Constitution, its Congress. For 9 years it survived with a history in keeping with its glorious origin. It was recognized by four foreign governments; and the old French Embassy, constructed largely of materials brought from France, still stands in the capital city. Who was its first President? David G. Burnet, of New Jersey. Who was its last President? Anson Jones, of Massachusetts, who, in my opinion, was more responsible than any other American for the admission of Texas into the Union. Another of our great Presidents was Mirabeau B. Lamar, of Georgia, the founder of our system of education. The lack of proper educational opportunities had been one of the dominant causes of the revolt against Mexico. For our system in Texas, Mirabeau B. Lamar gave a slogan which I think all men might well bear in mind:

> Cultivated mind is the guardian genius of democracy. It is the only dictator that free men acknowledge and the only security that free men desire.

[Applause.]

I must hurry on, but again I would remind you that men of such stamp and caliber, coming from your States, were responsible for this wonderful history. There is so much that could be told. Why, at the Battle of San Jacinto the pieces of artillery upon which these unconquerable Americans relied were two cannon, called "The Twin Sisters", which had been contributed to the cause by the citizens of Cincinnati. [Applause.] Every section of our Nation shares with glory and honor in the outstanding accomplishment which we Americans would celebrate.

Now, what has been the result of this history—and if you will read it you will find it as glorious as any that has been recorded, and it is yours, peculiarly yours?

With the admission of Texas into the American Union 389,166 square miles were added to the domain of Old Glory, and this territory included parts of five other States as they now exist: Louisiana, New Mexico, Oklahoma, Kansas, and Colorado.

The Mexican Government did not officially recognize the independence of Texas, which had been wrested from Santa Anna, the dictator, and it served notice upon the United States of America that the admission of this new republic as a State would be regarded as a cause of war. The boundaries were not definitely fixed and the disputes which arose from this controversy led to the War with Mexico. Out of that conflict, attributable directly to that struggle for independence on the soil of Texas, our country brought within its borders the States of California, Nevada, Utah, Arizona, and parts of Colorado, Wyoming, and New Mexico.

If you will look upon this map you will see outlined in blue that portion of our country which was acquired directly and immediately as the result of the Texan victory; and if you will look upon this vast expanse of western territory, here also enclosed in blue, you will find the other States I have enumerated which are now proudly American because of the service your fathers rendered in Texas in a gallant fight for freedom. In other words, the land added to the United States, land now rich in men and material, by the patriotic heroism of Americans in Texas, is greater in area than that acquired by the terms of the Louisiana Purchase. But there is a more important and significant difference than mere size. There could never attach to an acquisition by barter and sale the scintillating glory in which we bask because of the fact that they who have given us our birthright shed their blood in wresting from tyranny the right of Americans in one-third of our territory to live under our free institutions. [Applause.]

Now, in 1903 an exposition was held in St. Louis commemorative of the centennial anniversary of the Louisiana Purchase, and I think you will find that the Federal Government appropriated for that celebration more than $6,000,000. We are now asking for only one-half that sum for a centennial celebration of this glorious and peculiarly American history, based not upon the gains of purchase but upon the accomplishments of patriotic Americans from all over our land who brought us a greater gift bought by their sacrifice in preserving the teachings and traditions of American ideals.

We want you and the people of your States to become familiar with this history. We want you to know about Texas and this great western empire to which I have referred. The more we know of our country the more we love it. It is all ours. And we want the foreign governments to participate, because they, too, had a part in our origin and development. Texans can never forget the brave and liberty-loving men of Spanish blood who aided so loyally in establishing the independence of that new Republic of Texas. North, South, East, and West may feel equally at home in that beautiful Lone Star State.

Now, what has Texas done to make this celebration a success? In the first place, it was impossible for the Legislature of Texas to make an appropriation for this purpose without an amendment to our constitution. Accordingly, a constitutional amendment was submitted to authorize this expenditure and it was carried by a very substantial majority. In pursuance of that authority the legislature has appropriated $3,000,000 for this centennial celebration. During the depression Texas has suffered like other States, and I am sure you will agree readily that it has not been niggardly in doing its part to commemorate this glorious chapter of American history.

Naturally there will be celebrations at several of our shrines, but the principal exhibits are to be shown in Dallas because there we have one of the largest State fairs in the Nation, comprising 170 acres, with many permanent buildings already available for some purposes of the exposition. The value of this property has been appraised at $3,500,000. Through an issue of bonds the city of Dallas has contributed an additional $3,500,000. And then, the Central Exposition Corporation has authorized bonds in the sum of $2,500,000. I am advised that these have been sold, with the exception of $500,000, and that the entire amount will be available in 60 days. In money and land and buildings, therefore, Texas is devoting about $13,000,000 to this centennial celebration. I have no desire whatever to make any comparison in a disparaging sense, but I believe it will be found that the money and property available in advance for the Louisiana Purchase Exposition, exclusive of the Federal appropriation, was not so great.

We come now to consider some of the ways in which the Federal Government may appropriately participate. It is practically impossible at this time to foresee and enumerate them all because of the comprehensive nature of the events we are to celebrate. In their various aspects they are military, naval, civil, agricultural, industrial, historical, and so forth.

The resolution provides for a Federal commission to be composed of the Vice President, the Secretary of State, the Secretary of Commerce, and the Secretary of Agriculture. They are able, honest, and faithful men who may be depended upon to keep the expenditures within proper bounds and to devote the funds under their supervision to purposes appropriate to the celebration. Because of the many phases of the history and development and progress involved I think they should be allowed some latitude in the exercise of their discretion.

In the first place, there will be the matter of Federal exhibits and proper building for their display. In the archives in Washington there must be many documents and other material connected with the history of that early period. Then there will be the costs of administration and transportation and other necessary incidental items which must arise with reference to appropriate exhibits.

Let me remind you that Texas is the only State in the Union that ever had a navy. This was during the war for independence and the days of the Republic. So effective was that navy that in that epochal conflict neither Mexican soldiers nor supplies were ever landed on our shores along the extensive coast of the Gulf. When the Republic was admitted into the Union the navy came with it. It seems, therefore, that it would be most appropriate to have during the centennial some proper naval display at ports of the Texas coast.

No exposition in this country has ever fittingly shown the story of cotton. In the ramifications of the industry cotton has produced, every part of our land has an abiding interest. In the southwestern section where the fleecy staple abounds, the Department of Agriculture may well exemplify every phase of the growth, cultivation, harvesting, manufacturing, and marketing of this basic commodity and demonstrate the possibilities of improvement from each of these important angles.

Similar considerations urge attention to the livestock industry in which the West and Southwest are so peculiarly interested. In my home city of Fort Worth is held annually the Southwestern Exposition and Fat Stock Show, with much equipment and many facilities available to promote progress in this industry which plays so large a part both in our subsistence and our trade.

At San Antonio, the city of the Alamo, is one of our largest military posts. Some appropriate military celebration may be devised in honor of the sacred shrine that city boasts, and Goliad and San Jacinto may well call for similar commemoration of our martial history.

In no exposition have the colored people of our country had an opportunity to show the development of their race and the contributions they have made to America. Within a radius of 600 miles of the exposition live 4,500,000 negroes. They have had much to do with many phases of southern industry and agriculture. Those in control are arranging a building for their exhibits, the plans of which have been designed by Negro architects, and the interest of the colored people is manifested by the fact that they have underwritten

a part of the expense of this undertaking. There will be an appropriate hall for the concerts of their choral societies and other artists. If you have never heard their singing, you have a treat in store for you. With reference to the exhibits and other features of this phase of the celebration the Federal Government could appropriately find ways to participate.

In the field of educational exhibits the national government could be most helpful in teaching the people of our country the wonderful history to which I have alluded. Americans fought in Texas that their children might have educational advantages, and their further solicitude for the women and children of our land is exemplified in the fact that Texas gave to the Nation its first homestead law, affording a protection and security upon which the prosperity and happiness of our people must always depend. [Applause.]

Mr. Speaker, I could talk at great length. I have not had time to deal with the mechanical arts or the various elements of progress and development since the establishment of Texan independence or of the many commercial advantages which may come to all the people from the celebrations planned. I have sought briefly to call attention to four considerations: First, that this is an American exposition and that there has never been anything like it in the history of our country. Secondly, that in its consequences it has brought to the United States, through the struggles and sufferings of free Americans who loved our institutions, more territory than was acquired by the Louisiana Purchase. Thirdly, I have tried to show that the State of Texas is seeking to do its full part in a proper commemoration of the history which is our mutual heritage.

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

Mr. LANHAM. Yes.

Mr. SWEENEY. The gentleman, in my opinion, is making a very fine historical speech. The gentleman has made reference to the amount of money the State of Texas is going to contribute. How much money will the State of Texas get from the Public Works Administration fund, and how much of that financial obligation will they assume?

Mr. LANHAM. It will get no more than its proper allotment from that fund. I do not know how that can affect the purpose of this celebration. If it is to take men off the relief rolls and give them employment, and if it has that effect and some of the money should be used in the exposition——

Mr. SWEENEY. I make the observation because I believe in times like these there are many more practical ways of spending money than for a sentimental purpose.

Mr. LANHAM. Oh, I think one trouble with us is that we have not been given, as we should have been given, to this thing of sentiment. [Applause.] Let us remember the sources from which we sprang. Let us remember the fathers who by their patriotism have made us great. Let us remember the many battles they won and strive to be worthy successors of them. [Applause.]

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. MARTIN of Massachusetts. Mr. Speaker, I can join with my distinguished and worthy friend from Texas [Mr. LANHAM] in glorifying the deeds of those who founded the Texas Republic. It is true, Texas has contributed some of the most colorful pages in American history. No one would deny credit to anyone who was responsible for the founding of Texas, but we are not here today to measure in dollars our patriotism or sentiment. I am not opposing the rule which will bring this resolution before the House. I am not opposing legislation that provides a contribution on the part of the National Government to this great celebration to be held in the Lone Star State next year. I believe the Government should contribute toward that exposition, but in the interest of the taxpayer, in the interest of the American people who must pay these bills, I think Congress must consider well the amount we appropriate. How much are we going to give for this exposition? I assumed an obligation when the Speaker appointed me a year ago as a member of the Texas commission, and also as a member of the Committee on Foreign Affairs, which considered this bill; this obligation requires me to make a report to Congress. At no time has it come under my observation when any figures have been presented which would merit an appropriation of $3,000,000.

It is true, in these extravagant days this appropriation may be car-fare money, but it is not going to be car-fare money to the American people as the days go by; when we are obliged to renew nuisance taxes; when we are obliged to place new tax burdens on the American people. Waiving aside sentiment, I believe when anyone comes to Congress and asks for $3,000,000 they ought to show where that money is going to be expended. What will the Government get? What form will the Government's contribution be? No one knows. No one even knows in what city in Texas the money will be spent.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield.

Mr. JOHNSON of Texas. My friend realizes that this is an authorization bill and that the Committee on Appropriations, when it makes the appropriation, will go into a hearing with reference to what these various items should be.

Mr. MARTIN of Massachusetts. That is an easy road to ruin. You come here and say this is only an authorization, and we pass it easily. Then a little later you come and say Congress has authorized this amount, and the Appropriations Committee should appropriate the amount of money stipulated. I, too, want to protect those two valiant men from Texas on the Appropriations Committee. I do not want to place the gentleman from Texas [Mr. BUCHANAN] in the unfortunate position of being obliged to curtail the appropriation for his own State. [Laughter and applause.] I do not want to make it embarrassing for that other great watchdog of the Treasury, Mr. BLANTON, to be obliged to say that Texas cannot have this amount of money. [Laughter and applause.]

Mr. JOHNSON of Texas. Will the gentleman yield further?

Mr. MARTIN of Massachusetts. I yield.

Mr. JOHNSON of Texas. The gentleman realizes that my distinguished friend, the ranking minority member of the Appropriations Committee, Mr. TABER, of New York, is another one of those watchdogs?

Mr. MARTIN of Massachusetts. Yes; but unfortunately he is in the minority and his way will not prevail.

Mr. MILLARD. Will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield.

Mr. MILLARD. The gentleman mentioned the great watchdog of the Treasury, Mr. BLANTON. Does the gentleman know that when the San Diego Exposition bill was being considered the gentleman from Texas [Mr. BLANTON] said that $100,000 was enough for any exposition? [Laughter.]

Mr. MARTIN of Massachusetts. I will say for the gentleman from Texas [Mr. BLANTON] that he is a good watchdog and he is performing a great service. He is doing well. I expect his strong voice will yet ring out here in support of my proposal that the amount be reduced.

I am a little more liberal than most of the Members on this side and perhaps some on the other side. I would give a million and a half. That is very liberal. Seriously, I say in perfectly good spirit, San Diego came here a while ago and asked for Federal recognition for its exposition. They had appropriated and raised $12,000,000. We gave them, I think, $350,000. I correct myself. We did not give $350,000. We appropriated that amount for a Government exhibit. That is a vast difference. We did not give California a single nickel.

Mr. BLOOM. Will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield.

Mr. BLOOM. That is the same thing they are asking for here.

Mr. MARTIN of Massachusetts. We do not know it.

Mr. BLOOM. Well, the gentleman does know it.

Mr. MARTIN of Massachusetts. No; there is no evidence to show it.

Mr. BLOOM. But the resolution calls for that. This is for a Government exhibit.

Mr. MARTIN of Massachusetts. And that is all it says. There is nothing mandatory about appropriating it for a Government exhibit. Will the gentleman accept an amendment prohibiting that anything be spent except for a Government exhibit?

Mr. BLOOM. As far as I am concerned, it is not my resolution, but that is what this resolution calls for.

Mr. MARTIN of Massachusetts. I do not yield further, because there is nothing in the resolution which says it will only be spent for an exhibit. Permit me to continue. There was a world's fair out in Chicago. I see the gentleman from Chicago [Mr. SABATH] is interested. The best that Mr. SABATH could get was $1,000,000. When he came back the next year he had difficulty in getting an additional $250,000.

Mr. SABATH. Will the gentleman yield?

Mr. MARTIN of Massachusetts. I do.

Mr. SABATH. Now, the gentleman knows that the Chairman of the Committee on Appropriations has stated many times to our committee that he is not bound by any amount that is authorized.

Mr. MARTIN of Massachusetts. And I admire him for making that statement.

Mr. SABATH. As I have the utmost confidence in the gentleman from Texas, that he will not vote out any more than is absolutely necessary, especially in this case, I know he will hold it down to the very last penny.

Mr. MARTIN of Massachusetts. How does the gentleman know it?

Mr. SABATH. Of course, we all have the utmost confidence in the gentleman from Texas [Mr. BUCHANAN]. He will see that not any more is appropriated than is absolutely necessary.

Mr. DIES. Will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield.

Mr. DIES. The gentleman is aware of the fact that to celebrate the Louisiana Purchase the Federal Government contributed more than $6,000,000?

Mr. MARTIN of Massachusetts. Two wrongs do not make a right. That was 30 years ago. Perhaps money was easier in those days. Perhaps there was not in evidence then the great threat of heavy taxation in the immediate future. That must be considered when we make appropriations at the present time.

Mr. LEHLBACH. Will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield.

Mr. LEHLBACH. Section 7 of this resolution authorizes an appropriation of $3,000,000 and authorizes the commissioners to expend this money, to use that money and any other money subsequently authorized or appropriated or to make any expenditure or allotment deemed necessary by it to fulfill properly the purposes of this joint resolution, and to allocate such sums to the Texas Centennial Commission and the Texas Centennial Central Exposition for expenditure by such bodies in any part of the State of Texas as the commission deems necessary and proper in carrying out the purposes of this joint resolution. So there is nothing there about Government exhibits at all.

Mr. MARTIN of Massachusetts. The resolution is so wide open you could drive a pair of Texas steers right through it.

Mr. KLEBERG. I listened with some interest to the repetition of the history of Texas, which history, of course, I, too, know; and I was interested a moment ago when the gentleman from Massachusetts suggested an amendment limiting the expenditure of Federal funds only to a Federal exhibit at the exposition. I am wondering if the gentleman cannot find in his heart a sufficient Americanism to recognize that were $3,000,000 expended in the erection of monuments alone to keep alive the worship of the heroes who gave this country to us, the spending would not be for a better purpose.

Mr. MARTIN of Massachusetts. I can appreciate the splendid spirit prompting the gentleman's statement, but we are fast getting into the era when we cannot afford a champagne appetite. The erection of monuments and beautiful buildings is not justified unless it puts people to work; this is especially true at a time when people are hungry and when we are going to be called upon continually to spend millions and even billions of dollars for the relief of the American people. We must conserve carefully our resources.

Mr. Speaker, I am not opposing the rule. I hope the rule will be adopted, but I do hope when we go into the Committee and consider this legislation we will give the taxpayers "a break" for once this year.

Mr. DIES. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was adopted.

Mr. McREYNOLDS. 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 Senate Joint Resolution 131, providing for the participation of the United States in the Texas Centennial Exposition and celebrations to be held in the State of Texas during the years 1935 and 1936, and authorizing the President to invite foreign countries and nations to participate therein, 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 Senate Joint Resolution 131, with Mr. GILLETTE in the chair.

The Clerk read the title of the Senate joint resolution.

By unanimous consent, the first reading of the Senate joint resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Tennessee is recognized for 1 hour and the gentlewoman from Massachusetts is recognized for 1 hour.

Mr. McREYNOLDS. Mr. Chairman, does the other side desire any general discussion of the bill?

Mrs. ROGERS of Massachusetts. Yes; Members on this side wish to be heard.

Mr. McREYNOLDS. Mr. Chairman, I hardly thought it was necessary to have further discussion, but Members on the other side seem to want it. I think the gentleman from Texas has fully presented the matter. The report of the committee was practically unanimous.

Mr. Chairman, I feel that there is an exceptional difference between the exposition and some others that have been held. As has been said, the city of Houston and the State of Texas are raising some $9,000,000 or $10,000,000 for the exposition. It is not a State exposition but is really a part of the history of the great West.

Mr. Chairman, I now yield to the gentleman from Texas [Mr. JOHNSON] 10 minutes.

Mr. JOHNSON of Texas. Mr. Chairman, I was impressed with the concluding remarks of my friend and distinguished colleague [Mr. LANHAM] in answer to the question whether this was not too much money to be spent for sentiment. I believe the trouble with our country at this time and for some years has been that we have grown so cynical and have been so actuated by the spirit of sordid commercialism that we have lost sight of the spirit of idealism and patriotism which actuated our fathers.

Mr. Chairman, this is not to be a commercial exposition; this is not an exposition prompted by an organization in some city or town in order to seek notoriety for their town or to bring business to that section. The celebration which will begin in June of 1936 commemorates the one hundredth anniversary of the independence of Texas. It is not commercial but historic, and is to commemorate the heroic and successful struggle of a small band of patriots against an enemy vastly superior in numbers. The idea of this celebration did not originate in Texas. The first suggestion that we have this celebration in 1936 came from a distinguished citizen of the State of New York—Mr. Theodore H. Price—who happened to be visiting in Texas. Being familiar with the history of our great State, he suggested in a speech he made there some 10 years ago that in 1936 we have a centennial exposition commemorating the birth of Texas. In response to the suggestion of this gentleman from New York, our people 10 years ago began to dream dreams of

this great exposition. For the past 10 years there has been activity among the various citizens of Texas in organizing for the celebration of this great event. Until 2 years ago the constitution of our State did not permit the State to make contributions of this kind.

Two years ago, however, the legislature submitted to the people of Texas for their vote the question of whether or not the constitution of the State should be so amended as to authorize the legislature to make this appropriation; and the people of Texas by a popular vote adopted the amendment and an appropriation of $3,000,000 was made by the legislature for this centennial. I mention this that you may know it is not a small group who favor this exposition but that it is sponsored by the people of the entire State, who at the polls registered their willingness to tax themselves even in these hard times to have this exposition. The city and citizens of Dallas, as already pointed out, have also made liberal appropriations. So this celebration is not in response to a sudden impulse of a few but has been planned for years and has the endorsement of our entire State.

Mr. Chairman, we shall celebrate next year an event by which the United States secured 30½ percent of the present domain of the entire continental United States, taking into consideration the territory that came into Texas under the annexation and that which came as a result of the annexation of Texas and the war that followed in making effective the annexation.

When Texas was admitted into the Union under a resolution adopted by this Congress, the Mexican Government gave notice to our Government that if the treaty annexation was adopted by the Congress that would be tantamount to a declaration of war. The Congress of the United States in 1845 passed the resolution of annexation, and, as a result, the Mexican Government immediately recalled their Minister from Washington and severed all diplomatic relations with the United States. They began to make contentions about where the boundary line was, claiming that the boundary line should not be the Rio Grande but should be the Nueces River. As a result, war followed, and in that war Texas participated and the citizens of other States participated. There was annexed, because of this war, that vast territory which was shown on the map exhibited by the gentleman from Texas [Mr. LANHAM]. The territory which came to this country through the annexation of Texas and cession from Mexico as a result of the War with Mexico, caused by the annexation of Texas, comprises 30½ percent of the present entire domain of the continental United States, and is larger than the entire United States in 1790.

Mr. Chairman, I have here some figures prepared from the Statistical Abstract, which gives the territorial expansion of the United States. In 1790 the territory of the United States comprised 892,135 square miles. The Louisiana Purchase in 1803 was 827,987 square miles. The acquisition of Florida in 1819 was 58,666 square miles. The annexation by the treaty with Spain in 1819 was 13,435 square miles. The annexation of Texas in 1845 was 389,166 square miles. The Oregon annexation in 1846 was 286,541 square miles. The Mexican cession in 1848 was 529,189 square miles. The Gadsden Purchase in 1853 was 29,670 square miles; making a total area of the continental United States 3,026,789 square miles.

Adding the area of Texas acquired by annexation with that ceded by Mexico increased our domain 918,355 square miles. Is not the celebration of an event which resulted in the acquisition of one-third of the domain of the United States worthy of recognition by the Federal Government?

Mr. Chairman, no State in the Union can have a celebration which will commemorate the acquisition of territory which amounted to nearly one-third of the entire domain of the United States. No other State in the American Union can have a celebration where it celebrates the annexation of a republic. When this resolution was heard by the Foreign Affairs Committee of the House we had a most interesting and instructive hearing. At the conclusion of that hearing the motion to report this resolution did not come from the Democratic members of that committee but came from gentlemen on the other side, namely, the gentleman from Massachusetts [Mr. TINKHAM] and the gentleman from New York [Mr. FISH]. It was so reported. I think the gentleman from Massachusetts [Mr. MARTIN], who has made some observations here in opposing the resolution, was not at the hearing, and I believe if he had been present and had heard the testimony in reference to the resolution he would have been heartily in favor of it, as the other members of the committee are who were there and heard the testimony at that time.

The people who founded Texas were not marauders. They were not buccaneers. They were men; they were brave men.

They were not only brave men, but among them were those who had held high positions in other States before their migration to Texas. Richard Ellis, the president of the constitutional convention, was a former associate justice of the Supreme Court of Alabama. George Campbell Childress, the author of the Texas declaration of independence, was a brilliant lawyer from Nashville, Tenn. A. H. Latimer was an able lawyer and a near relative of Hon. Henry Latimer, once United States Senator from Delaware. Sam Houston, the commander in chief of the Texas revolutionary forces, and afterward President of the Texas Republic, served in the Congress of the United States from Tennessee, and was once Governor of that great State. David Crockett, one of the martyrs of the Alamo, served in Congress from Tennessee. Samuel P. Carson, one of the signers of the Declaration of Independence, served for 8 years in the Congress of the United States from North Carolina, as did Robert Potter, also from North Carolina. Thomas J. Rusk studied law in the office of John C. Calhoun, in South Carolina, and was afterward chief justice of the Texas Supreme Court and later United States Senator from Texas. David G. Burnet, president ad interim of the Republic of Texas, was born in Newark, N. J., and his brother, Jacob Burnet, was a member of the Supreme Court of Ohio and afterward United States Senator from Ohio, and another brother was mayor of Cincinnati.

Moses Austin, one of the earliest pioneers, was from Connecticut, and his son and successor was Stephen F. Austin, born in Virginia, and whose statue and that of Sam Houston may now be seen in Statuary Hall of this Capitol. Anson Jones, the last President of the Republic of Texas, and whose efforts were largely instrumental in the annexation of Texas by the United States, was born in Great Barrington, Mass.

May I say that the constitutional convention met in the town of Washington on the Brazos, near the home of our friend the Chairman of the Appropriations Committee, Mr. BUCHANAN.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. JOHNSON of Texas. Mr. Chairman, this celebration is not alone ours. We want the people of the United States. We want the people in all the States to know that they had a part in this great chapter of the most colorful history in all the world. We want them to come to the State where that history was made and rejoice with us that the heroic sacrifices of their fathers made possible the empire of the great Southwest.

We want the people to know that the time has not come when we are willing to vote money only for commercialism. They talk about unemployment; this money will be spent to put people to work. The money to be expended under this resolution will give people jobs just as much as a great deal of the other legislation we have passed, and this money is not going to be turned over directly to Texas or to State officials down there, but will be expended under the direction of the members of a Federal commission, as provided in the resolution.

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

Mr. JOHNSON of Texas. I yield.

Mr. CARTER. How does the gentleman know what this commission is going to do with the money? The gentleman says they are not going to turn it over to the people down there, but as the gentleman from New Jersey pointed out a few minutes ago, they have the authority to do that.

Mr. JOHNSON of Texas. Of course, here is what will be done: This money will be expended by a Federal commission, and this commission is composed of the Vice President, the Secretary of Commerce, the Secretary of State, and the Secretary of Agriculture. These four men represent the Federal Government in expending this money.

Mr. CARTER. Under this bill they have authority to allocate such sums as they desire to the Texas Centennial Commission.

Mr. JOHNSON of Texas. Yes; the commission will have that authority.

Mr. CARTER. Would the gentleman subscribe to an amendment that would limit this committee in the expenditure of this money to the establishment of an exhibit of the United States Government there?

Mr. JOHNSON of Texas. I think that is the purpose for which the money would be expended, and let me say to the gentleman, I am going to offer an amendment, which has been suggested by the gentleman from Texas [Mr. BUCHANAN], and under this amendment we expect to establish in the city of Austin a museum to preserve the historic relics of Texas, and there is to be an appropriation for that purpose. This celebration is going to be State-wide, and while the main exposition is to be held in Dallas, there will be celebrations throughout the State. There will be a celebration at San Antonio, at the Alamo, where these men gave their lives in defense of liberty. There will be one at Houston near the battlefield of San Jacinto.

Mr. CARTER. I have no objection to the United States Government going, perhaps, into several cities and putting up a proper exhibit——

Mr. JOHNSON of Texas. That is the reason we cannot restrict or limit the language.

Mr. CARTER. But your bill goes much further than that.

Mr. JOHNSON of Texas. To what portion of the bill does the gentleman refer?

[Here the gavel fell.]

Mr. McREYNOLDS. Mr. Chairman, I yield to the gentleman from Texas 5 additional minutes.

Mr. CARTER. Page 6, line 4, the language provides that this commission consisting of four members, as the gentleman has enumerated, may allocate these funds to other commissions, and this money certainly would not be used to ones that will hold the celebrations throughout the State

Mr. JOHNSON of Texas. I may say to the gentleman that the Federal commission can provide any such limitation as they want or think proper. These organizations are the ones that will hold the celebrations throughout the States and the Federal commission that will allocate this money. We may assume they will exercise this right in the interest of the Federal Government to make these allocations in an appropriate manner, so that the expenditures will be in harmony with the interests of the Federal Government and provide for an exhibit by the Federal Government itself.

Mr. CARTER. It is not my point that the expenditures will not be in harmony with the interests of the Federal Government. I think they should be expended for a Federal exhibit. This was the limitation put in the last bill of this kind that passed this House, and I think it is a very proper limitation.

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

Mr. JOHNSON of Texas. I yield.

Mr. BLOOM. The provision referred to allocates such sums for expenditure by such bodies in any part of the State of Texas as the commission deems necessary and proper in carrying out the purposes of this joint resolution and the joint resolution provides for the participation of the United States in the Texas Centennial Exposition and the celebrations to be held in the State of Texas. So under this language the money is only to be spent for the purposes of this joint resolution.

Mr. CARTER. The joint resolution covers the entire purpose of this commission, of course.

I do not want to take the gentleman's time unduly, but there is one other question I should like to ask.

Mr. JOHNSON of Texas. I yield to the gentleman from California.

Mr. CARTER. I notice on page 3 the resolution provides for the appointment of a commissioner and one or more assistant commissioners.

Mr. JOHNSON of Texas. I may say to the gentleman that we have a committee amendment limiting that to not more than three assistants.

Mr. CARTER. I think that is a very commendable amendment.

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

Mr. JOHNSON of Texas. I yield.

Mr. MILLARD. Does not the gentleman think there ought to be enough public-spirited gentlemen in the State of Texas who would contribute their services to this great cause instead of having four positions of this kind, one at $10,000 and three at $7,500?

Mr. JOHNSON of Texas. One or more of these men will probably be sent down there from Washington, and I do not know that Texas people will get all of these jobs, because there has to be one or more who are experienced in work of this kind.

Mr. MILLARD. They are to be appointed by the President?

Mr. JOHNSON of Texas. Yes; the commissioner general is so appointed and he selects his assistants.

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

Mr. JOHNSON of Texas. I yield to the gentleman from Iowa.

Mr. THURSTON. I am very much in sympathy with the purposes of this resolution. It is entirely fitting that our Government should recognize the annexation of the Republic of Texas, but would the gentleman be willing to reduce the appropriation from $3,000,000 to $2,000,000?

Mr. JOHNSON of Texas. Let me say in reply to the gentleman that I think the Appropriations Committee, of which the gentleman is a member, will do that if they think it is necessary. The gentleman knows how jealously they guard appropriations, and while some comment was made about the Chairman of the Appropriations Committee being from Texas, I think those who know the Chairman of the Appropriations Committee [Mr. BUCHANAN], all realize that he is so conscientious with the Government's money that he would not let that sway him in any way.

In fact, as one gentleman said, speaking of Mr. BUCHANAN—someone asked if he thought he could get an appropriation, and the reply was, to use his own language, "Old Buck is pretty stingy with the Government's money." [Laughter.]

Mr. LANHAM. Will the gentleman yield?

Mr. JOHNSON of Texas. I yield.

Mr. LANHAM. May I call this to the attention of my colleague, that because of the great ramifications of Texas history—military, naval, civil, industrial, agricultural, representatives from foreign governments—it is perhaps impossible in advance to know every little item of expense that may arise, but that the commission may be depended upon not to make allocations not in accordance with the resolution.

Mr. JOHNSON of Texas. I think so. I think the commission can be trusted to exercise its sound judgment.

Mr. REILLY. Will the gentleman yield?

Mr. JOHNSON of Texas. I yield.

Mr. REILLY. I have been very much interested in this matter, and I want to ask the gentleman how much has been appropriated by the Federal Government for former expositions?

Mr. JOHNSON of Texas. I have not that data before me, but for Chicago there was a million and a half. They had two expositions, and I think the money appropriated for both exceeds the amount asked for here. You must remember that we have had no celebration of this character. As my colleague has said, this is a patriotic event. The Louisiana Purchase was celebrated in 1903, and represented the acquisition of that territory; that was a barter and sale. This is a celebration of the acquisition of territory that was won by the blood and sacrifice of American citizens. I think there is quite a difference.

Mr. REILLY. What was the amount appropriated for the San Francisco exhibition?

Mr. LANHAM. Will the gentleman yield?

Mr. JOHNSON of Texas. I yield.

Mr. LANHAM. They have had several exhibitions. Let me say that I attended the exhibitions at San Francisco and San Diego, and I have enjoyed them all. There would have been no exhibition in any place if it had not been for this western territory.

Mr. JOHNSON of Texas. Let me say that the acquisition of Texas made it possible for California to be a State.

Mr. COLDEN. Will the gentleman yield?

Mr. JOHNSON of Texas. Yes.

Mr. COLDEN. Instead of scattering this exhibition about the State of Texas, why not have it held in Los Angeles? [Laughter.]

Mr. LANHAM. Let me say that Texas was a republic for 9 years before the acquisition of California, and California became a republic for only 9 days.

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

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Chairman, this is a bill to authorize the appropriation of $3,000,000 to celebrate the achievements of the men who fought to free the land now comprised within the State of Texas from the Empire of Mexico and later made it one of the United States.

The gentleman from Texas [Mr. LANHAM], who spoke at some length in favor of the rule, and the gentleman who just closed, if my understanding of their remarks be correct, and we all agree with what they had to say, praised the deeds of the liberty-loving souls, the determination and the steadfastness of certain "rugged individuals" who so brought Texas into the Union. Listening to them, we did not hear anything about any "planned government" which accomplished that great feat. The reason is clear. Their achievements were those of individuals, not of a group which crushed initiative, which frowned upon, and sought to prohibit the progress of the individual, not of a planned government which knew neither patriotism nor kindliness, but, in reality, only the advancement of the planners, which, under the guise of sympathy for the downtrodden or the average man, in the end, reduced him to a condition of servitude.

It is well that we remember their acts, that we emulate the spirit which inspired them, that to our respective States we render the loyal protection of local self-government for which they fought and died. Much has been, more will be, said in praise of the spirit which moved them, of the sacrifices which they made, of the great material good which has come to us through their acts.

If gentlemen are really asking for this appropriation of the taxpayers' money for the purpose of causing us to remember the principles which motivated these patriots to whom they so fittingly refer, to follow in their footsteps and to battle for our rights as individuals and as local governments entitled to govern themselves, it might be well to remember that the last Congress, and this Congress to almost as great an extent, has surrendered the rights so dearly won, to the executive branch of our Government; that we this session have time and again shown ourselves to be false to the principles for which those whom you now praise so highly, whom you love for their great deeds, gave their efforts; to remember that we, day after day, as a body, shirk the responsibility put upon us and that we are, through legislation, granting to a small group the powers sought to be exercised by the ruler of Mexico, whose yoke these men would not carry.

From the majority side and especially by the gentleman from Texas, that great statesman who so frequently reminds us of our duty to economize, who does not seem to be here at present, during this session, day following day and week after week, we on the Republican side have been reminded that the President received from the people, in the election of 1932, a mandate to carry out certain policies; that mandate had been confirmed in 1934.

We, as Republicans, have not forgotten the platform, the campaign promises, of the Democratic Party, of its candidate for the presidency. We recall that those promises have not been fulfilled. We are told from day to day that it was, and is, our patriotic duty to support the administration in all things. Time and again we have seen Members on the majority side whipped into line by bitter denunciation of their attempts to voice their individual convictions, to vote in accordance with their judgment. We have noted, not with surprise, but with sorrow, the scorching party lash which has beaten into subjection the would-be independent individual members of a great party. We realize that they are still hypnotized by the magnitude of the popular vote received in 1932, which they, as well as certain other gentlemen, have erroneously construed as an individual tribute to their candidate, but which was, in fact, in part due to dissatisfaction with the power obtained by the so-called "vested interests", in part to the shameful "smearing" of the Nation's then President, but to a far greater extent, to the fact that, prior to that campaign, party platforms, campaign promises, were, by the people, construed to be declarations of principle, a pledging of service in accordance with those declarations. To the fact that the voters believed, relied upon, that platform, those promises.

Misconstruing the causes of that victory, the party has betrayed those who gave it their support, and today we have, not a Democratic Party but a party of so-called "new dealers", an entirely different thing.

We on this side well know that you of the Democratic Party will, on every occasion, whenever you have an opportunity so to do, if you follow your course in the last and, so far, in this Congress, with but one exception, vote for the must measures, for the bills which have the administration's endorsement. This support of the administration one might say is given almost unconsciously, surely blindly, for many, many times, upon reflection, you must realize your error, and it is only when some group desires an appropriation of public funds or an increase of political positions that you venture to make your protests audible.

To our friends on the Republican side I make the request that today you join with me in supporting this President of ours in his efforts to economize; that we call the attention of the gentlemen who desire this appropriation of $3,000,000 to the fact that they are repudiating their party platform, in that this bill will further increase expenditures above revenues.

We all know that, since 1932, many, many laws have been passed, hundreds, yes, thousands of rules and regulations have been promulgated, under the cloak of which hundreds of thousands of dollars in fees have been collected by Federal and other employees, all under the codes, all without authority of law. If the record be read correctly, practically all of the important laws so passed, all of the regulations and rules so made by bureaucrats, were passed upon the theory that a great emergency existed, that our country was in great distress, that children were starving and going naked, were cold, that the women were suffering from a lack of the necessities of life in the hamlets and the cities of our land, that men were out of jobs.

So, acting upon the thought that there actually existed a great national emergency, some of you joined with others not now here and passed all this legislation which permitted a government contrary to the principles of our Constitution, this legislation which the Supreme Court has so recently said was unconstitutional. The legislation was passed, and the oft-repeated excuse or reason for its passage, for the abdication by Congress of its power and its duty to legislate, for the shirking of a plain duty, was that it was necessary to prevent a revolution. The use of that term is no longer popular. It served its purpose. We no longer hear it. Its power of intimidation has gone. Its falsity has been demonstrated and it has been cast aside.

Beyond question, the Members of Congress voting for that legislation were sincere. Equally true is it that they were thoughtless, that the true condition of our country, the natural resourcefulness of our people, their ability to overcome

adversity was given no consideration whatever, or was underestimated.

Today we are asked to celebrate what? To celebrate the deeds of a planned society, the accomplishments of a planned economy? Oh, no! We are asked to celebrate the deeds of individuals, of those gentlemen who accomplished something because of their rugged individualism, men who acknowledged no master minds, neither in Mexico nor elsewhere.

Before we celebrate, why not for the moment support the President and some of the concededly good declarations of the Democratic platform? Why not get onto the Democratic bandwagon once and help them out? Always here, when we criticize, they have asked us to offer some constructive suggestion. Today the suggestion is offered that they follow their President in some of his statements. Here is one that might be taken into consideration when we are asked to appropriate this money and know, as we do, that we are continually borrowing and creating new deficits. In July of 1932, President Roosevelt, then Governor, said:

> Let us have courage to stop borrowing to meet continuing deficits. Stop the deficits.

Later, in October, he made this statement:

> Now the credit of the family depends chiefly on whether that family is living within its income. And this is so of the Nation. * * * If, like a spendthrift, it throws discretion to the winds, is willing to make no sacrifice at all in spending, extends its taxing up to the limit of the people's power to pay, and continue to pile up deficits, it is on the road to bankruptcy.

Support your President? There are many things in which the Republicans would be only too happy to support him. The balancing of the Budget is but one. The decreasing of Federal expenditures is another. The lessening of the number of Federal officeholders is another. The creation of a sound currency, the reestablishment of confidence, and so on down the list, almost endless; but these suggestions, like the promises of your platform, of your candidates, you blithely disregard and happily go on your way, scattering the taxpayers' money broadcast over the land—no; not over the land—usually in those localities which Democratic votes can be gathered on election day.

Appropriate money to celebrate? What are we celebrating? What do you want to celebrate? Not long ago you gave the President $4,000,000,000, and for what purpose? We all know—to relieve distress, to grant unemployment insurance, to establish an old-age pension, to create jobs—all given for the announced reason, and can it be that you had another, that it was necessary, in order to relieve distress, that people might not go hungry, that families might not be disrupted, that homes might not be lost?

Is there any reason why a State should not first put its own house in order? Has Texas a law which prevents the employment of children? Has it a law which limits the hours which a woman may be required to work, the maximum hours under which men may be employed? Has it unemployment insurance? Has it an old-age-pension law down there which will match the Government's share of the money which it just appropriated under the social-security bill?

You are asking for Federal aid to assist you in doing all of these things, and before you do your part you come here with words of praise and with fine phrases and ask the rest of the country to appropriate money taken from the taxpayers to assist you in celebrating, in putting on a show, an exposition. That is all very well and great lessons may be so learned. But in times of adversity—and you have told us endless number of times that these are days of suffering and of sorrow—why celebrate something that happened years and years ago? Do you think for one moment that, if those whose deeds you are commemorating, whose examples you seek to call to mind by this appropriation, were here today that they would join you in asking for an appropriation to celebrate, or would they, as they did in those days when they lived and fought and died for humanity, direct you in no uncertain terms to use that money, your efforts, for the relieving of suffering, for the teaching of the principles of constitutional government?

Were they here, might they not ask you whether you were celebrating the fact that today we have the greatest number of unemployed in the history of our country? Might they not inquire whether you were celebrating the fact that today we have the largest public debt that the Nation ever knew, and call to your attention the fact that we are going more rapidly into debt, day by day, than the country ever went before?

When celebrating, will you call to the mind of the public this rapid increase in the debt which it must some time pay with interest? Will you mention the fact that the greatest number of experiments ever tried—some still persisted in—have proven to be failures; that today the Nation has on its pay roll the largest number of jobholders that ever existed? Are you celebrating the fact that during the last and the present sessions Congress has discarded those principles of government which existed when these men gained the independence of Texas and put her into the Union? Have you forgotten that if they were here today, in order to attain and maintain the freedom for which they fought, they would be forced to repudiate our National Government and those administering it if the policies now advocated by the advisers of the administration be adopted?

Our constructive suggestion today is that you support the President, that you avoid waste, that you economize, that you reduce Federal expenditures, cut out all needless expenditures, quit going into debt, attempt to assist in balancing the Budget, and thus indicate your belief in your party platform, redeem the promises of your Presidential candidate.

Only $3,000,000. It is not very much as national expenditures go. It may be but a drop in the bucket, but drops like these cause the overflow. You gave San Francisco a little over a million dollars; you gave Philadelphia something over two million; Chicago a little more than a million, for expositions. You of Texas are now asking for three million.

It has been reported that a Member of this House, then a party power, now since risen to a distinguished position at the other end of the Capitol and in the Nation, once said that if the North was to receive a ham, Texas would take a whole hog—perhaps not an elegant expression. Perhaps it should not be here repeated. Nevertheless, a plain, understandable illustration of what you are seeking to do, of what you do, not once in a while but very, very frequently, when you take money from the taxpayers of the North, using it for the benefit of the States which, by their lack of industry or of achievement, have failed to create like wealth subject to taxation.

To my friends on the Republican side, let me repeat: For once let us join together as one solid group and attempt to uphold the hands of the President in his effort, if he makes that effort, to cut out the waste of public money, to get the country back again where its expenditures will be no greater than its income.

Celebrate? Yes; all in due time; but let us postpone all celebration until distress has been alleviated, the condition of the farmer relieved, taxes reduced—it was just a few days ago you voted a continuation of extraordinary taxes.

Let us with national affairs do as we do with matters which affect us individually—celebrate when the victory has been won. Let your celebration in Texas wait until prosperity has returned, and we can all join with you in heartfelt sincerity. Let us deny this application for $3,000,000 to put on a show, to give an exposition, until the workingman has a job and the unfortunate are assured of at least a decent living. [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan [Mr. HOFFMAN] has expired.

Mr. JOHNSON of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut [Mr. SHANLEY].

Mr. SHANLEY. Mr. Chairman, when this joint resolution came before the Committee on Foreign Affairs for the first time I was deeply impressed by the purpose of this exposition. We in Connecticut are celebrating the three hundredth anniversary this year. In 1635 the first settlement of that small State was made. That small State of 4,000

square miles is almost a mite compared to the 400,000 square miles of Texas.

Mr. MARTIN of Massachusetts. Will the gentleman yield?

Mr. SHANLEY. I yield.

Mr. MARTIN of Massachusetts. I was wondering how much money the Federal Government gave to Connecticut for its exposition?

Mr. SHANLEY. Connecticut appropriated over $100,000 from its own State.

Mr. MARTIN of Massachusetts. I am talking about the Federal Government.

Mr. SHANLEY. We asked $10,000 from the United States, because it is a purely personal, local, and State celebration. It is not an exposition in any sense. We are not inviting foreign nations.

For 300 years we have been either a Commonwealth or a State. This request of the Texas Centennial Commission is a request to celebrate for an area that is probably one of the largest the world has ever seen. It is a request that is comparable to that of the Louisiana Purchase Commission. With the distinguished Members of the minority I had my doubts as to the $3,000,000 appropriation. I was not convinced until I heard comparable appropriations for other great expositions. I felt that if the State of Texas was willing to spend $9,000,000 itself, and that we had spent $6,000,000 for the celebration of the Louisiana Purchase, that $3,000,000 would be a wise and sanguine investment. I felt that Texas would utilize that $9,000,000 and the $3,000,000 to do more good for Texas and incidentally for the country than any other appropriation we have made.

I am not unmindful of the conditions all over the country. I am not unmindful that we cannot stop all efforts of this type. Will we wipe out the Connecticut celebration; will we wipe out the Texas celebration; will we wipe out the San Diego celebration simply because there are other appropriations? I believe that this appropriation of $3.000,000 will, as gentlemen who have preceded me have said, be scrutinized by the Committee on Appropriations. I believe that that money will be allocated, and that before the Appropriations Committee gets through with it, it may be less than $3,000,000. I am willing to pass this bill. I am willing to vote for it and willing to present it to the Appropriations Committee, that they, in the larger picture of this country, will be able to justify it if justification is necessary.

I am gratified to say in this three hundredth anniversary of the State of Connecticut that that little Commonwealth has given much to this Nation. We gave the first fundamental orders; the first organic constitution in the history of the world came out of Connecticut. We gave you in the South your cotton gin. We gave you Nathan Hale, and to Texas we gave Moses Austin. It is a pleasure to be able to say that that gentleman came from forbears in the State of Connecticut.

Mr. BOYLAN. Will the gentleman yield?

Mr. SHANLEY. I yield.

Mr. BOYLAN. Will the gentleman give us the date of the commencement of the manufacture of wooden nutmegs in Connecticut?

Mr. SHANLEY. I do not think we have ever given up that practice, we made so much money out of it. We ought to.

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

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 10 minutes to the gentleman from Oregon [Mr. EKWALL].

Mr. EKWALL. Mr. Chairman, I want to say that there is no delegation from any State for which I have a higher regard than the delegation from Texas. They are all very fine gentlemen. They are all good American citizens. They are all here trying to do the best they can during this session for their country.

I am not rising in opposition to the amount of this appropriation with any feeling at all of unfriendliness to the great State of Texas nor to the great delegation from Texas, because I have the highest regard for both. In fact, whenever I collaborate with my Texas colleagues I am reminded of the words of that great Irish poet, Thomas Moore:

Long, long may our hearts with true friendship be filled
Like a vase in which roses have once been distilled.
You may break, you may shatter the vase if you will,
But the scent of the roses will cling round it still.

[Applause.]

That is the way I feel about these gentlemen from Texas. But it seems to me that the amount involved in this bill is entirely too great. I sympathize with their aspirations. I know that they are all good horse traders down there and they always ask for plenty with the idea that, of course, if they have to cut it down to one-third or one-half, at least they have not lost the whole amount.

The gentleman from Texas [Mr. LANHAM] remarked that Texas had been carved out by reason of the heroism of the men of Texas. I agree with him. They were a mighty fine group of real men and patriots in those days, as are the Texans today, and they did a fine job of it.

The gentleman says we got the Louisiana Territory by barter and trade. I know he is not complaining because we out-traded France when we got the Louisiana country by spending $15,000,000, but they are asking for one-fifth of that amount now for an exposition.

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

Mr. EKWALL. I am sorry I cannot yield; I have not the time.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 2 additional minutes to the gentleman from Oregon.

Mr. EKWALL. I yield to the gentleman from Texas.

Mr. LANHAM. I would like to ask the gentleman regarding this great territory bought by the blood of Americans from all over the country, greater than the territory acquired through the Louisiana Purchase, if the gentleman does not think we ought to be willing to spend in celebration of the one hundredth anniversary of that victory half as much as we spent celebrating the anniversary of the acquisition of the Louisiana Territory?

Mr. EKWALL. What disturbs me right now is where the watchdogs of the Treasury are. Where is BLANTON? Where is MCFARLANE? I have looked in vain for these gentlemen since this resolution was brought up. Time and again I have seen these gentlemen object to meritorious bills for $100, $200, $500, and $1,000. Then they go back to their constituents, sum up the total amount, and show where they have saved millions of dollars to the taxpayers. I want to read from the RECORD a statement of our genial friend, the sage of Abilene, made when the gentleman from California had up the question of an appropriation for the San Diego fair. Here is what the gentleman from Texas [Mr. BLANTON] said on January 21:

Mr. Speaker, I reserve the right to object. The gentleman from Tennessee [Mr. MCREYNOLDS] knows that this resolution authorizes an appropriation of $350,000 for an exposition at San Diego. I am not prejudiced against expositions. I think they are not only entertaining but instructive, but they are becoming very expensive. Can we not have an understanding with the gentleman from Tennessee, the chairman of the committee, and with those who are especially interested that we shall strike out $350,000 and limit this authorization to—

To what?—

to $100,000.

[Applause.]

If we could have that understanding, I would be willing to go along; but $350,000 is a sum entirely too large at this time for us to spend on the exposition in San Diego.

That is the manner in which the gentleman from Texas spoke to us at that time. The question now is why cannot the gentlemen from Texas accept a reasonable amount? Why can they not accept, say, $1,000,000? The exposition at San Diego is an international exposition. It was allowed $350,000, but the gentleman from Texas wanted to cut it down to $100,000, yet that is an international exposition. As the gentleman from California [Mr. COLDEN] has expressed it, they want to spread this entirely over the State of Texas, and goodness only knows how many thousand square miles there are in Texas.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield for a question?

Mr. EKWALL. I yield.

Mr. JOHNSON of Texas. The gentleman should not charge up against Texas the statement of my colleague the gentleman from Texas [Mr. BLANTON] in objecting to $350,000. He should give Texas credit that I, a Texan, reported out that San Diego resolution for the full $350,000.

Mr. EKWALL. Yes; that was a mighty fine gesture.

Now, I am going to again wax poetic and read from Don Juan these lines:

'Tis sweet to hear the watchdog's honest bark
Bay deep-mouth'd welcome as we draw near home;
'Tis sweet to know there is an eye will mark
Our coming, and look brighter when we come.

[Applause.]

Let us now be the watchdogs of the Treasury.

We are finally approaching, in this session, the time when we can see the lights of our respective towns and villages off in the immediate distance; we are going home pretty soon. Let us go home with a record of having tried to save the taxpayers some money and yet having done substantial justice to the State of Texas—not only to the State of Texas but to the entire country, for I do not speak disparagingly of the State. We honor the State of Texas; it is a great State, but do not forget that we in the State of Oregon, at Champoeg, in 1843, cast the vote which saved the entire Northwest for the United States, rather than voting it into the British Empire. So I do not yield to these gentlemen all the honor of having saved a great area of territory for the United States. But I would remind them that we must think of the interests of the people of this country many of whom are without work, without food and with little of this world's goods to sustain even life itself. It seems to me we ought to consider the taxpayers in this country a little, because we have spent billions of dollars. We should begin to economize.

I am opposed to this bill authorizing an appropriation of $3,000,000. I place great faith in the judgment of the gentlemen and gentlewomen making up this body as to the right amount to spend for this purpose. We should not simply take the recommendation of the committee or pass the buck to them. I think we ought to reduce this authorization here and now at this time to a reasonable amount, say, $1,000,000, or at the outside, $1,500,000. I think this should satisfy these gentlemen, and I believe the country would be satisfied; but for more than this I am not willing to vote.

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

Mr. EKWALL. I yield.

Mr. DIES. I understand the gentleman's position, but will he tell us how he voted on the $4,800,000,000 bill?

Mr. EKWALL. I will tell the gentleman how I voted, and why I did so. I voted for that bill, although I did not believe in the entire bill. I had to vote that way so that the people in my district and in the country at large could get needed relief, and the only way they could get relief was by our voting for the most tremendous sum of money the taxpayers of this country have ever been asked to pay. That is the reason I voted for that bill. I had to vote for the $4,000,000,000 appropriation in order to get food and clothing for the people of this country who were out of work and walking the streets. That is why I voted for it and I would vote for it again. However, may I say that I would rather have voted for a disintegrated bill where an independent and separate vote might have been had on the items included in the bill, so that a lot of things might have been eliminated that should not have been in the bill.

The gentleman from Texas talks about sentiment.

I cast a sentimental vote when I voted for the $4,880,000,000 works relief bill, and I did it through sentiment because I had a feeling for the poor and unfortunate people of this country, who need and must have help.

[Here the gavel feel.]

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I was intensely interested in the splendid talk made by the gentleman from Texas recounting the wonderful history of that State and of the Southwest. I was more interested in the remarks made by the gentlemen who gave the amount of money appropriated by various Congresses for expositions held in commemoration of various events. There was $6,000,000 appropriated to commemorate the Louisiana Purchase, $1,500,000 for the Chicago Exposition, and $1,000,000 for San Francisco, and so forth.

Mr. Chairman, Michigan is celebrating her one hundredth anniversary next year. We came down to Washington requesting something for Michigan. We did not ask for $6,000,000; we did not ask for $1,000,000; we did not ask for $200,000. We did not ask for $1! All we asked was that the Post Office Department issue a stamp commemorating the one hundredth anniversary of the adoption of the constitution of the State of Michigan. While this Government was willing to give $6,000,000 to Louisiana, $1,000,000 to San Francisco, $1,500,000 to Chicago, $350,000 to San Diego, and while you will undoubtedly give $3,000,000 to Texas, I want to place into the RECORD the fact that the Republican State of Michigan could not get a postage stamp from the present Democratic administration. [Applause.] Despite repeated requests by letter; despite the fact that several bills were introduced making such requests; despite the further fact that other States were granted a stamp issue commemorating a similar event, the Post Office Department refused to issue a stamp commemorating the one hundredth birthday of the greatest State in the Union—a Republican State—Michigan.

Mr. McREYNOLDS. Mr. Chairman, I am advised that no more time is desired on the other side, and I therefore ask that the Clerk read the bill.

The Clerk read the bill as follows:

Joint resolution providing for the participation of the United States in the Texas Centennial Exposition and celebrations to be held in the State of Texas during the years 1935 and 1936, and authorizing the President to invite foreign countries and nations to participate therein, and for other purposes

Whereas there is to be held in the State of Texas during the years 1935 and 1936 an exposition and celebrations commemorating the historic period of Texas history and celebrating a century of independence and progress; and

Whereas the State of Texas, the city of Dallas, Tex., and the Texas Centennial Central Exposition, a corporation, are making $9,000,000 available for such exposition through appropriations and bond issues; and

Whereas such exposition is commemorative of a heroic and successful struggle to establish the independence of a Republic, and this accomplishment resulted from the efforts of patriotic Americans of all sections of our country and led to the acquisition of territory extending far beyond the borders of Texas; and

Whereas the Republic of Texas continued for 9 years after the establishment of its independence and prior to its admission to the Union as a State, and foreign Governments sent their diplomatic representatives to the Republic of Texas; and

Whereas such exposition and celebrations are worthy and deserving of the support and encouragement of the United States; and the United States has aided and encouraged such expositions and celebrations in the past: Therefore be it

Resolved, etc., That the President of the United States is authorized and requested, by proclamation or in such manner as he may deem proper, to invite all foreign countries and nations to such proposed exposition with a request that they participate therein.

Mr. BURNHAM. Mr. Chairman, a parliamentary inquiry. Is the Clerk reading the bill, Senate Joint Resolution 131, or the amended bill from the Senate?

The CHAIRMAN. The Clerk is reading from the engrossed copy of the Senate joint resolution.

Mr. BURNHAM. Do we have copies of that bill here?

Mr. JOHNSON of Texas. I may say to the gentleman that it is identical except for the amendments set out in italics.

Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JOHNSON of Texas. Would it be in order to ask unanimous consent to consider the various committee amendments to the bill and not read the entire bill?

Mr. TABER. Mr. Chairman, in the first place what are the committee amendments?

Mr. JOHNSON of Texas. Has the gentleman a copy of the House bill as amended?

Mr. TABER. I have a copy of the Senate bill.

Mr. JOHNSON of Texas. The House bill is the same as the Senate bill, except in italics throughout the House bill there are various committee amendments.

Mr. TABER. Where does the first one appear?

Mr. JOHNSON of Texas. In section 2, line 10, the words "and hereinafter referred to as the 'Commission.'" I am just trying to expedite things.

Mr. TABER. I have an amendment which I desire to offer at the appropriate place.

The CHAIRMAN. Does the gentleman from Texas wish to propound a unanimous-consent request?

Mr. JOHNSON of Texas. Mr. Chairman, I understand that there are no amendments to be offered to this bill until section 7 is reached; I therefore ask unanimous consent that the bill may be considered as read and printed in the RECORD down to and including section 6.

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

There was no objection.

The portion of the bill referred to is as follows:

SEC. 2. There is hereby established a Commission, to be known as "The United States Texas Centennial Commission" and to be composed of the Secretary of State, the Secretary of Agriculture, and the Secretary of Commerce; which Commission shall serve without additional compensation and shall represent the United States in connection with the holding of an exposition and celebration during the observance of the Texas Centennial in the State of Texas during the years 1935 and 1936.

SEC. 3. There is hereby created a United States Commissioner General for the Texas Centennial Exposition and celebrations to be appointed by the President with the advice and consent of the Senate and to receive compensation at the rate of $10,000 per annum and one or more assistant commissioners for said Texas Centennial Exposition and celebrations to be appointed by the Commissioner General with the approval of the Commission herein designated and to receive compensation not to exceed $7,500 per annum, respectively. The expenses of the Commissioner General and such staff as he may require shall be paid out of the funds authorized to be appropriated by this joint resolution.

SEC. 4. The Commission shall prescribe the duties of the United States Commissioner General and shall delegate such powers and functions to him as it shall deem advisable, in order that there may be exhibited at the Texas Centennial Exposition by the Government of the United States, its executive departments, independent offices and establishments such articles and materials and documents and papers as may relate to this period of our history and such as illustrate the function and administrative faculty of the Government in the advancement of industry, science, invention, agriculture, the arts, and peace, and demonstrating the nature of our institutions, particularly as regards their adaptation to the needs of the people.

SEC. 5. The Commissioner General is authorized to appoint such clerks, stenographers, and other assistants as may be necessary, and to fix their salaries in accordance with the Classification Act of 1923, as amended; purchase such materials, contract for such labor and other services as are necessary, and exercise such powers as are delegated to him by the Commission as hereinbefore provided, and in order to facilitate the functioning of his office may subdelegate such powers (authorized or delegated) to the Assistant Commissioner or others in the employ of or detailed to the Commission as may be deemed advisable by the Commission.

SEC. 6. The heads of the various executive departments and independent offices and establishments of the Government are authorized to cooperate with said Commissioner General in the procurement, installation, and display of exhibits, and to lend to the Texas Centennial Commission and the Texas Centennial Central Exposition, with the knowledge and consent of said Commissioner General, such articles, specimens, and exhibits which said Commissioner General shall deem to be in the interest of the United States and in keeping with the purposes of such exposition and celebrations to place with the science or other exhibits to be shown under the auspices of such Texas Centennial Commission or the Texas Centennial Central Exposition or the Commission of Control for Texas Centennial Celebrations, to contract for such labor or other services as shall be deemed necessary, and to designate officials or employees of their departments or branches to assist said Commissioner General. At the close of the exposition, or when the connection of the Government of the United States therewith ceases, said Commissioner General shall cause all such property to be returned to the respective departments and branches from which taken, and any expenses incident to the restoration, modification, and revision of such property to a condition which will permit its use at subsequent expositions and fairs, and for the continued employment of personnel necessary to close out the fiscal and other records and prepare the required reports of the participating organizations, may be paid from the appropriation authorized herein; and if the return of such property is not feasible, he may, with the consent of the department or branch from which it was taken, make such disposition thereof as he may deem advisable and account therefor.

With the following committee amendments:

On page 2, line 10, after the word "Commission", insert "and hereinafter referred to as the Commission."

Page 2, line 11, after the word "the" where it occurs the first time, insert "Vice President, the."

Page 3, line 8, after the word "and", strike out "one or more" and insert in lieu thereof "not to exceed three."

Page 3, line 13, after the word "the", insert "salary and."

Page 3, line 16, after the word "resolution", insert "for a period of time covering the duration of the exposition and not to exceed a 6 months' period following the closing thereof."

Page 4, line 23, after the word "lend", strike out "to the Texas Centennial Commission" and insert "to the Commission and to the Commission of Control for Texas Centennial Celebrations."

Page 5, line 8, after the word "Commission", insert "or the Commission of Control for Texas Centennial Celebrations."

Page 5, line 19, after the word "subsequent", strike out the words "expositions and" and insert the word "expositions", and after the word "fairs", insert "and other celebrations."

The committee amendments were agreed to.

The Clerk read as follows:

SEC. 7. The sum of $3,000,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, and shall remain available until expended. Subject to the provisions of this joint resolution and any subsequent act appropriating the money authorized herein, the Commission is authorized to make any expenditures or allotments deemed necessary by it to fulfill properly the purposes of this joint resolution and to allocate such sums to the Texas Centennial Commission and the Texas Centennial Central Exposition for expenditure by such bodies in any part of the State of Texas as the Commission deems necessary and proper in carrying out the purposes of this joint resolution. And, subject to the provisions of this joint resolution and any subsequent act appropriating the money authorized herein, the Commission is authorized to erect such building or buildings, or other structures, and to provide for the landscaping of the site or sites thereof; to rent such space as the Commission may deem adequate to carry out effectively the provisions of this joint resolution; and to provide for the decoration of such buildings or structures, and for the proper maintenance of such buildings or structures, site and grounds during the period of the exposition. The Commission may contract with the Texas Centennial Commission and/or the Texas Centennial Central Exposition for the designing and erection of such building or buildings, structure or structures, and for the rental of such space as shall be deemed necessary and proper. The appropriation authorized under this joint resolution shall be available for the operation of the building or buildings, structure or structures, including light, heat, water, gas, janitor, and other required services; for the selection, purchase, preparation, assembling, transportation, installation, arrangement, safe-keeping, exhibition, demonstration, and return of such articles and materials as the Commission may decide shall be included in such Government exhibit and in the exhibits of the Texas Centennial Commission or the Texas Centennial Central Exposition; for the compensation of said Commissioner General, Assistant Commissioners, and other officers and employees of the Commission in the District of Columbia and elsewhere, for the payment of salaries of officers and employees of the Government employed by or detailed for duty with the Commission, and for actual traveling expenses, including travel by air, and for per diem in lieu of actual subsistence at not to exceed $6 per day: *Provided*, That no such Government official or employee so designated shall receive a salary in excess of the amount which he has been receiving in the department or branch where employed, plus such reasonable allowance for travel, including travel by air, and subsistence expenses as may be deemed proper by the Commissioner General; for telephone service, purchase or rental of furniture and equipment, stationery and supplies, typewriting, adding, duplicating, and computing machines, their accessories and repairs, books of reference and periodicals, uniforms, maps, reports, documents, plans, specifications, manuscripts, newspapers and all other appropriate publications, and ice and drinking water for office purposes: *Provided*, That payment for telephone service, rents, subscriptions to newspapers and periodicals, and other similar purposes, may be made in advance; for the purchase and hire of passenger-carrying automobiles, their maintenance, repair, and operation, for the official use of said Commissioner General and Assistant Commissioners in the District of Columbia or elsewhere as required; for printing and binding; for entertainment of distinguished visitors; and for all other expenses as may be deemed necessary by the Commission to fulfill properly the purposes of this joint resolution. All purchases, expenditures, and disbursements of any moneys made available by authority of this joint resolution shall be made under the direction of the Commission: *Provided*, That the Commission, as hereinbefore stipulated, may delegate these powers and functions to said Commissioner General, and said Commissioner General, with the consent of the Commission, may subdelegate them: *Provided further*, That the Commission or its delegated representative may allot funds authorized to be appropriated herein to any executive department, independent office, or establishment of the Government with the consent of the heads thereof, for direct expenditure by such executive department, independent office, or establishment, for the purpose of defraying any expendi-

ture which may be incurred by such executive department, independent office, or establishment in executing the duties and functions delegated by the Commission. All accounts and vouchers covering expenditures shall be approved by said Commissioner General or by such assistants as he may designate except for such allotments as may be made to the various executive departments, independent offices, and establishments for direct expenditure; but these provisions shall not be construed to waive the submission of accounts and vouchers to the General Accounting Office for audit, or permit any obligations to be incurred in excess of the amount authorized herein: *Provided*, That in the construction of buildings and exhibits requiring skilled and unskilled labor, the prevailing rate of wages, as provided in the act of March 3, 1931, shall be paid.

With the following committee amendments:

Page 6, line 6, after the word "expended", insert "for the purposes of this joint resolution and any unexpended balances shall be covered back into the Treasury of the United States."

Page 6, line 14, after the word "Commission", insert the words "or the Commission of Control for Texas Centennial Celebrations."

Page 7, line 4, after the word "Commission", strike out the words "and/or" and insert the words "or the Commission of Control for Texas Centennial Celebrations or."

Page 7, line 18, after the word "Commission", insert "or the Commission of Control for Texas Centennial Celebrations."

Page 9, line 3, after the word "Commission", insert the words "without release of responsibility."

The committee amendments were agreed to.

Mr. TABER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 5, line 22, after the word "of", strike out "$3,000,000" and insert "$1,500,000."

Mr. TABER. Mr. Chairman, personally I have the greatest admiration for the State of Texas and for its Representatives here. Many of them are my close friends, and I admire them very much.

I am going to picture the embarrassing situation that the Representative from Texas, the great Chairman of the Committee on Appropriations, will be in when it is put up to him to keep down the amount authorized in this bill. Surely you would not expect a man with a record such as he has to do anything else. Why should you embarrass him by not meeting the responsibility that is yours here and now?

It has been customary to appropriate for expositions where they are being held throughout the country a reasonable amount for Government exhibits, and to that principle I subscribe.

But since the depression begun, and practically since expositions began to be held more generally through the country, it has been customary for this Congress to keep the expense of those exhibitions down.

It is true that over 30 years ago there was an appropriation of over $5,000,000 for the Louisiana Exposition, but that, as I say, was 30 years ago. Now, in recent years the only one I can find is the exhibition at Chicago, where they appropriated $1,192,000 for 2 years' exhibition. This year we appropriated $350,000 for an exposition at San Diego, and there for that international exposition people have raised at their own expense $12,000,000—as much, practically, as you raised for this in Texas.

Why cannot you accept the amendment that I have offered? I think a million and a half dollars is a fair amount.

Mr. CONNERY. Will the gentleman yield?

Mr. TABER. I yield.

Mr. CONNERY. How much was appropriated for the exposition at Philadelphia?

Mr. TABER. Two million dollars.

Mr. CONNERY. The gentleman from Michigan said they could not get an appropriation. I favored that and I favor this.

Mr. TABER. I think a million and half dollars is a fair and reasonable amount for this purpose.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. TABER. I yield.

Mr. JOHNSON of Texas. Chicago had two expositions. Does the gentleman know how much was appropriated for the first exposition at Chicago?

Mr. TABER. I have not those figures.

Mr. JOHNSON of Texas. There was an exposition at Los Angeles and San Francisco.

Mr. TABER. The San Franisco Exposition several years ago had an appropriation of $1,192,000.

Mr. BURNHAM. For the exposition at San Diego 20 years ago the Government did not contribute.

Mr. TABER. I understand that is true, but I was talking about San Francisco.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MICHENER. Mr. Chairman, I move to amend the amendment by striking out "$1,500,000" and inserting in lieu thereof "$1,000,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MICHENER: Amend the amendment by striking out "$1,500,000" in the Taber amendment and insert in lieu thereof "$1,000,000."

Mr. MICHENER. Mr. Chairman, as I understand this matter, no estimates have been made, no arrangements have been perfected to spend the $3,000,000. They simply come in here with a resolution, hit and miss, asking Congress for $3,000,000.

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

Mr. MICHENER. Not now. If that is the case, it seems to me that we can well economize in our recognition to the extent of allowing only $1,000,000 for this celebration. You do not know today where you are going to celebrate in Texas, you have not determined upon what you are going to do in the various cities, you have no central point where your exposition is to be held, you are simply asking Congress for $3,000,000 to be used in such celebration as you may determine upon at a later date.

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

Mr. MICHENER. Yes.

Mr. McREYNOLDS. The gentleman recognizes the fact that this is only an authorization.

Mr. MICHENER. That is the point. It is only an authorization.

Mr. McREYNOLDS. All these things will have to be shown before the Committee on Appropriations.

Mr. MICHENER. I do not believe that any committee of the House should authorize the expenditure of $3,000,000 until at least it has some evidence before it as to when and where and how specifically this money is to be expended. I may be a crank on these things, but when the Chicago resolution was up, a similar resolution, I moved at that time to strike from the resolution $250,000. That amendment was agreed to by an almost unanimous vote, because they did not show that they needed that amount of money. In other words, they were permitted to cut their cloth according to the amount of cloth they had to cut, and that is what Texas should do. You are asking for $3,000,000. You hardly expect to get $3,000,000, but you are going to cut your celebration to fit the amount of money that you can get from Congress.

Much has been said here today about economy in these times. I am not going to take any more time. I respect Texas, I love Texas, I would do anything in the world for my good friend, FRITZ LANHAM, and the other Members, and they know it, but when they are wrong I do not hesitate to say I think so. If this thing were outlined, if we knew where and when and how this money is to be spent, I would vote for it, but under the conditions I cannot. I believe $1,000,000 is sufficient to permit these people to carry on a dignified and proper and a real celebration.

Mr. DOCKWEILER. Mr. Chairman, I rise in opposition to the amendment. Let us assume that they attend this great celebration in Texas to the extent of the admissions recorded at Chicago, where 42,000,000 admissions were recorded. Assuming that you pay on an average of $1 admission, then the Federal Government would receive 10 percent of those gate receipts in taxes, so that the Federal Government would receive $4,000,000 for its contribution of $3,000,000. [Applause.]

Mr. COLDEN. Does the gentleman recall at any time that Los Angeles ever received an appropriation from the Federal Government for an exposition of any kind?

Mr. DOCKWEILER. I regret that it has never received any; but we would if we had such an exposition.

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

Mr. DOCKWEILER. Yes.

Mr. TRUAX. Does the gentleman favor and condone the amusement taxes and other nuisance taxes? Does the gentleman think we ought to continue to levy these nuisance taxes so that the Federal Government might be reimbursed for these appropriations?

Mr. DOCKWEILER. We just continued those nuisance taxes.

Mr. TRUAX. Not by my vote. With 22,000,000 people starving except for Government doles, with a quarter of a million farmers about to be foreclosed because of the Supreme Court decision, with 4,000,000 World War veterans denied their bonus, and with a national debt of more than $30,000,000,000, it is time that Federal authorizations and appropriations for unnecessary and extraneous projects should be stopped. I expect to vote "no" on the bill. If a motion to recommit is offered which provides for reducing the authorization from $3,000,000 to $1,500,000, I shall vote "present" on that motion, since I will not vote for either amount.

Mr. DOCKWEILER. For the next 2 years.

Mr. SUMNERS of Texas. Mr. Chairman, I regret very much to take your time at this late hour in the afternoon. I very much hope that I may have your attention because this is a rather important matter. In the first place, I say to my friend from Michigan [Mr. MICHENER], that the plan has been determined upon in Texas, and the place where the chief celebration is to be held has been determined. It happens to be the city which I have the honor to represent. We do not have big cities in Texas. It is a pretty heavy strain upon any community to act as host for a great celebration such as this will be. The city of Dallas, where the chief part of the exposition is to be held, is a city of 300,000 people. That city is putting up in cash around $6,000,000 and giving the use of its fair grounds.

I was not surprised at what was said by one man who rose here, but there were many Members who got up here at whom I was surprised. Now, this is not a Democratic celebration. It is not a Texas celebration. Nothing like this, Mr. Chairman, has occurred in the history of this Republic from the time it began. I do not want to repeat what has been said, but we purchased Louisiana with money. There were no great centers of activity there that thrilled and charmed the souls of men. This is not a celebration of Texas. These were not Texas men who did this thing which we are to celebrate. Red-blooded men came from every section of this great Nation.

I should like to have my friend from Massachusetts [Mr. MARTIN] read the farewell address of Anson Jones, the last President of Texas, a great man whom Massachusetts contributed to that great republic. The words of that address ring through the pages of human history. Tell me that the people of Massachusetts are not willing to make a reasonable contribution to commemorate and celebrate the independence of that government and of that people, whose highest office was surrendered by a son of Massachusetts in order that Texas might become, by its own free will, one of the States of this Union.

Mr. MARTIN of Massachusetts. Will the gentleman yield?

Mr. SUMNERS of Texas. In just a moment.

Mr. MARTIN of Massachusetts. The gentleman asked me a question and I should like to answer it.

Mr. SUMNERS of Texas. Very well.

Mr. MARTIN of Massachusetts. I think if we give you a million and a half that Massachusetts and every other State in the Union will be liberally contributing.

Mr. SUMNERS of Texas. I know you do. Anson Jones would not have thought it. He was willing to give his life for Texas. [Applause.] The gentleman will be ashamed of his speech some day. When he comes down to Texas and I entertain him, as I hope I may have the privilege to do, and he realizes what we are celebrating, he will be ashamed of the speech he made. When he goes through that great State and sees the footprints of Anson Jones, the gentleman will be ashamed of his speech.

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

Mr. DIES. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for 5 additional minutes.

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

There was no objection.

Mr. SUMNERS of Texas. Now, I can understand this situation. I can understand the temper of some Members of the House, but my little city has put up $6,000,000 to help commemorate the deeds of Anson Jones and the rest of these noble men who gave freedom to Texas and gave Texas to this Republic. My city of Dallas, that community of 300,000 people, is putting up its money to do honor to your sons, more than it can afford. I could call the roll of the States and they would all answer on this roll of fame and glory. They were not men who put up the money to buy a territory as Louisiana was bought. I have nothing to say about that, but we gave $6,000,000, I believe, to celebrate the coming in of that Territory, acquired by purchase. Texas was not got that way. Men from Louisiana helped. Men gave their blood for Texas, sacrificed their lives. They died at San Jacinto, Goliad, and the Alamo. They did not sell Texas to the Union. They bought Texas with their lives and gave it to the Union. It is not as though we located one place or could locate one where we are to celebrate. Do you mean to tell me that we are not to go to Goliad? Take the Nation to Goliad and let them see how red-blooded men were willing to serve and die for their country! Is that not worth a few dollars to this Nation now, when men are soft? Take them to the Alamo! It is worth it to this Nation to take the people of this country to that holy shrine and let them see how men died for a great principle in this hour when people are soft! [Applause.] Take them to San Jacinto, where DICK KLEBERG's granddaddy fought! Take them where the sons of your own States did these deeds of service, or might, and of sacrifice!

When you come to look at this and study it as a practical proposition, I am candid when I say I do not know how much it will take for the Nation to make a contribution and a fair exhibition. I do not know that. You do not know it, but we do know we have to begin next year. We have two checks on that fund. We have the check of the Commission, and we have the check of the Appropriations Committee. I want to tell you "old Buck" and the rest of the members of that committee have got the nerve to do what is right. [Applause.] But we do not want any niggardly sum.

Mr. MARTIN of Massachusetts. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. MARTIN of Massachusetts. Why pass the buck to "Buck"? [Laughter.]

Mr. SUMNERS of Texas. We are not passing the buck to "Buck." We are settling this matter in a tentative way at least.

I heard some of these gentlemen from California sort of mouthing about this. They should be ashamed of themselves. If it had not been for San Jacinto, if it had not been for the Alamo, if it had not been for the sacrifices of your sons in Texas, the flag of Mexico might be floating over that country now. We liberated California—not "we", but the men who were contributed by every State of this Nation did that job.

We want you to come down to Texas—not to see what Texans did but to see what the sons of your States did and give our people an opportunity to show their appreciation for your contribution. This is not ours. I am not asking for anything for Texas. This is the Nation's job, and we want $3,000,000, and we do not want any chinchy thing done about this. We want a celebration of a nation that

shows itself fit to be the sons of the people who made Texas free. [Applause.] We do not want any men of this generation splitting 15 or 20 cents when it comes to commemorating the deeds of heroism of those people—the history of which makes our country great. This Nation needs to look upon the deeds of these men who held it high duty to serve.

Now, let us see if this is not a fair deal which is proposed.

Do you mean to tell me you are not willing to commemorate and celebrate this achievement? No; you will not say that. There is not a man or woman here who is fit to be here who will say that. I make that statement deliberately.

[Here the gavel fell.]

Mr. McREYNOLDS. I yield 2 additional minutes to the gentleman from Texas.

Mr. SUMNERS of Texas. I take that back, I do not like that statement, I take it back. My community of 300,000 people is putting up $6,000,000 to commemorate this achievement of what your fathers did down there. We are putting up over $6,000,000, our 300,000 people are taxing themselves $6,000,000 to commemorate the deeds of the men who bought this territory with their lives and gave it to you.

The things and places that are holy about Texas are scattered all over the State. We do not know whether $3,000,000 will be enough or not, but we in my city put up $6,000,000 and the State put up $3,000,000. Is it too much to ask that you at least provide a maximum amount of $3,000,000 with a check on it in the first instance of the commission and in the last instance of the appropriating committee? [Applause.] That is all.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan to the amendment offered by the gentleman from New York.

The amendment to the amendment was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 39, noes 86.

So the amendment was rejected.

Mr. BUCHANAN. Mr. Chairman, I offer two amendments, which I have already sent to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. BUCHANAN: Page 6, line 5, after the word "Commission", insert "the board of directors of the Texas Memorial Museum."

And on page 6, line 13, after the word "thereof", insert "to grant toward the Texas Memorial Museum such sum as may be specifically provided for that purpose by the act making the appropriation authorized by this joint resolution."

Mr. BUCHANAN. Mr. Chairman, I understand these amendments are acceptable to the committee.

Mr. JOHNSON of Texas. Mr. Chairman, the amendments are acceptable to the committee.

The amendments were agreed to.

Mr. MARTIN of Massachusetts. Mr. Chairman, I ask unanimous consent that all Members who have spoken on this joint resolution may have the privilege of revising and extending their remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The Clerk read as follows:

All accounts and vouchers covering expenditures shall be approved by said Commissioner General or by such assistants as he may designate, except for such allotments as may be made to the various executive departments, independent offices, and establishments for direct expenditure; but these provisions shall not be construed to waive the submission of accounts and vouchers to the General Accounting Office for audit, or permit any obligations to be incurred in excess of the amount authorized herein: *Provided*, That in the construction of buildings and——

Mr. MAVERICK. Mr. Chairman, I move to strike out the last word.

Mr. MAVERICK. Mr. Chairman, we are discussing today an appropriation of money by the Congress of the United States for celebrations of the Texas centennial. No amount of money which Congress might appropriate for these celebrations could be too much, for Congress should see to it that the great history of Texas shall be emphasized as a never-failing source of inspiration for all Americans and for all time.

I shall not burden you with a long talk on the history of Texas, but I want you to realize the importance of that history in relation to the general history of the whole United States of America.

Because our Nation originated in the eastern seaboard and in the Thirteen Colonies, those Thirteen Colonies have been considered as the most important foundations of our history, and I believe that is correct. However, I submit that Texas is next in importance. While the Thirteen Colonies were being formed, the might of Spain covered all of South America and Mexico and Texas, and from Texas east to Florida, and from Texas west to California. Texas became a republic in 1836, after a bloody revolution.

Preceding the formation of the Republic of Texas, we see the might of Spain, its soldiers and priests, its martyrs and statesmen. We are prone to belittle people of other nationalities; we are prone to brag about our own greatness, and yet, while being conscious of our own greatness, we must recognize greatness in others. We should not forget the greatness of Spain and of Mexico, for those two nations are really the background of Texas.

Texas has been under six flags; let us take them in order. First, Texas was under the flag of Spain; for a brief period it was under that of France; back again it came to the flag of Spain; and then in 1821, after a revolution, came the flag of Mexico. Mexico's break with Spain is one of the most dramatic episodes in world history. The great priests and martyrs—Hidalgo and Morelos—form its beginning. The Generals Nicolas Bravo, Guadalupe Victoria, and others not quite so glorious, brought it to a conclusion. Then, over in Texas, the Anglo-Saxon population, mostly Americans, led by Stephen F. Austin, moved into the great State of Texas. Later they revolted against the Government of Mexico and set up an independent republic. This was one of the strangest and most colorful of revolutions, as I shall tell you later. Then under Gen. Sam Houston, as President, who was formerly a Member of the United States Congress, and Governor of Tennessee, Texas became a part of the United States of America. Later it seceded from the United States of America and became a part of the Confederate States; and then back again it came to the Stars and Stripes. This accounts for the six flags of Texas—no other portion of the United States has had this history.

Yes, Texas has had a colorful history—romantically colorful—colored by the blood of its martyrs, and by the brave men and women who created civilization and culture in an uncharted and dangerous wilderness.

Consider the various factors in the Texas revolution. The State had altogether not over 35,000 men, women, and children. Texas was then almost twice its present size and over this vast territory armies were assembled to revolt against a nation with a population of some 7,000,000, a disparity of 200 to 1; it is really true that there is no parallel to this in world history. And nothing in all the history of heroism and sacrifice for a real cause can exceed the Battle of the Alamo. On the 23d of February 1836, the first alarm was given of the approach of the Mexicans on the Alamo. William Barrett Travis and James Bowie were there, as were 180 other heroes. For 10 days or more these men battled a force of 2,500 Mexicans under the dictator, Santa Anna. Enthusiastic historians say 4,000 Mexicans, the Mexicans say 1,500, calmer historians estimate the 2,500 as approximately correct. But we do know that the Texans were faced by veteran soldiers, outnumbered 10 or 20 to 1, with superior equipment—in fact, the Texans had practically none, finding all but two of their cannon spiked and useless.

One of those in the Alamo was Davy Crockett, who had been a Member of the Congress of the United States from Tennessee, and who was a very famous man in his own right, long before he came to Texas. He was the originator of the famous saying, "Be sure you are right, then go ahead."

These brave men had little chance. They sent requests for help, which were never received, or if received, they were ignored, except for a small band of men from Gonzales under Bonham. To show the psychology of the time, I offer for the RECORD a letter sent by Lt. Col. William Barrett Travis, which is as follows:

COMMANDANCY OF THE ALAMO,
Bexar, February 24, 1836.

Fellow citizens and compatriots, I am besieged by a thousand or more of the Mexicans under Santa Anna. I have sustained a continued bombardment for 24 hours, and have not lost a man. The enemy has demanded a surrender at discretion; otherwise the garrison is to be put to the sword if the place is taken. I have answered the summons with a cannon shot, and our flag still waves proudly from the wall. I shall never surrender or retreat. Then I call on you in the name of liberty, of patriotism, and of everything dear to the American character, to come to our aid with all dispatch. The enemy are receiving reinforcements daily, and will no doubt increase to three or four thousand in 4 or 5 days. Though this call may be neglected, I am determined to sustain myself as long as possible, and die like a soldier who forgets not what is due to his own honor and that of his country. Victory or death.

W. BARRETT TRAVIS,
Lieutenant Colonel Commanding.

P. S.—The Lord is on our side. When the enemy appeared in sight we had not 3 bushels of corn. We have since found in deserted houses 80 or 90 bushels and got into the walls 20 or 30 head of beeves.—T.

The battle concluded Sunday morning, on March 6, 1836. All of those who were in the Alamo were killed, with the exception of Mrs. Dickinson, her little child, a Negro slave belonging to Travis, and a few Mexican women.

The Battle of the Alamo is well covered in many books, but the vast and wide implications of the history of the Alamo should be known by the people of the United States. What did it do? First, it showed that human beings can make sacrifices—and that there is such a thing as patriotism. This ought to be a lesson today. I do not mean that we should go out and offer ourselves to be shot or killed for the sake of gaining some point, although I believe that there are many hundreds of thousands of Americans that would be willing to do it, if they thought they would accomplish anything by it. By saying that there is such a thing as "patriotism", I mean that there is such a thing as patriotism now. The example of the Alamo should not be lost to us. If a man will willingly lose his life for the liberty of his people and for posterity, certainly now a man should be willing to lose his political life in standing up for the things that are right and just. The thing that faced the Texans was political tyranny; what we face now is a tyranny of the special interests, against the Government of the United States; and against these special interests, or the tyranny of those special interests, all of us must stand today.

The second thing that the Battle of the Alamo did was to start the momentous events which brought the great State of Texas as a part of the Union of the United States, and I call to your attention that Texas then had within its boundaries a part of Oklahoma, Kansas, Colorado, and New Mexico. Besides that, of course, the whole West became a part of the United States. As a result of the Battle of the Alamo there came to the United States its greatest mineral and oil and agricultural wealth; likewise millions upon millions of acres of great forests, also of grazing land, which with its cattle, has gone far toward making up one of the most powerful nations on the face of the earth.

During the time that Texas was a republic—from 1836 to 1845—she was twice invaded by Mexican armies. Texas, herself, attacked portions of Mexico during her 9 years of existence. In fact, the Republic of Texas lived for 9 years battling internal enemies among the Indians and battling Mexico, and it was a wonder that she preserved herself, having no well-founded financial system, and having nothing whatever to protect her except the resolute desire of the free-born Texans to live like human beings. That spirit that made them revolt against the dictator of Mexico, to preserve themselves, and to finally merge with the United States of America, was a brave spirit and the same spirit that we must have if we are to attack the problems of this depression and finally gain self-respecting lives as free-born American citizens.

It is not possible at this time to realize the daring of these Texans. Texas built a navy and decided to do some conquering on her own behalf—but briefly, the sad story of the Texas navy is this: The "authorities" managed, in the early part of 1836 to pick up a small navy of three vessels, namely, the *Invincible*, Capt. L. Brown; the *Brutus*, Captain Hurd; and the *Independence*, Captain Hawkins. The *Invincible* carried 8 port guns and 1 pivot 9-pounder; the *Brutus* of like force; the *Independence* of 8 guns. Later, the *Liberty*, with 3 guns, was added to the fleet. These boats captured a number of Mexican vessels. The *Independence* was captured by the Mexicans; the *Invincible* struck on breakers near Galveston Harbor and went to pieces. The *Brutus* ran aground during a battle with the Mexicans.

In 1838–39 the Texas navy was augmented by purchase of vessels: The *San Jacinto*, the *San Antonio*, the *San Bernard* and the *Colorado*. In 1839 the steamship-of-war, *Zavala*, purchased by Gen. James Hamilton, was added; also the *Charleston*. Due to the deplorable condition of the navy, the President of the Republic directed in 1842 that the vessels be placed in ordinary or be sold. They were placed in ordinary, and so remained until the annexation of the Republic to the United States.

There also occurred the Santa Fe Expedition, an ambitious enterprise of the Texans, but rather more foolhardy than otherwise. This expedition left Brushy Creek, about 15 miles above Austin, on June 21, 1841, with a military escort, commissioners from the Republic of Texas, and about 50 merchants and traders. For about 6 weeks the journey was pleasant enough, through a wild country which afforded plenty of game for food, and an abundance of water and grass for the horses and cattle. Then they entered a mountainous, arid region, and soon the last of the cattle were slaughtered and provisions ran short. To obtain food for more than 300 men was a difficult task. After wandering for some time, and being attacked by Indians on numerous occasions, some of the expeditions turned back. After experiencing much hardship, about 90 of the men reached a sheep ranch on the Rio Gallinas in New Mexico, where they were provided with food. Others of the party proceeded to San Miguel. Governor Armijo, of New Mexico, hearing of the approach of the Texans, set about to immediately alarm the people that the Texans were coming to conquer the country. When the expedition resumed its journey it was met by a force of Mexican soldiers, and captured. Governor Armijo and a force of 600 met the Texans on the way to Santa Fe, and they were taken to Santa Fe as prisoners. On October 17, 1841, the unhappy Texans were started on the long journey to Mexico City on foot. From the moment of their surrender the prisoners were treated with great cruelty by Armijo's soldiers, and the march from San Miguel to the border of New Mexico at El Paso was one of almost constant torture. Many of the men, who found it difficult to keep going, were shot down in their tracks and their bodies left by the wayside. At the border they were turned over to troops of the national government and marched to Mexico City.

Some of the members of the party who claimed citizenship of other countries appealed to their respective diplomatic representatives for aid, and through the effort of the foreign ministers at the Mexican capital these were released in the course of a few months. The Mexican Government reluctantly released those who could claim the protection of the United States or of European Governments, but the rest were kept confined in military prisons for 4 months. Waddy Thompson, of South Carolina, was sent to Mexico by the United States Government to procure the release of the citizens of this country. On June 16, 1842, most of the Texans were released by order of Santa Anna. Jose Antonio Navarro, one of the Texan commissioners, was kept in prison at the capital until December 1844. He was moved to Vera Cruz, from which place he escaped and returned to Texas in 1845.

And Texas was invaded by Mexico in 1842; and San Antonio was captured on the 11th day of September in that year by a Mexican Army under Gen. Adrian Woll, a Frenchman in Mexican service. He took 53 prisoners, who were thereafter known as the "Bexar prisoners", for San Antonio was then, and is now, a part of Bexar, now Bexar County, and the Twentieth Congressional District.

The Texans captured were marched barefooted through cold and heat, over cactus deserts, high mountains, through great forests and plains, through cities and towns to the Castle of Perote, a great prison and fortress between the cities of Jalapa and Puebla in Mexico, a distance of 1,200 miles, where they were held for 10 months. I have visited this huge prison—a cold, stern place of beautiful Spanish architecture, and there I saw the cell block of my grandfather, Samuel A. Maverick, one of the "Bexar prisoners."

The suffering of the Bexar prisoners cannot even be understood at this late date. The men were famished, starved, kept without news while their wives shifted for themselves in the vast, wild, Indian-infested prairies of Texas; and yet it stands as a fact, they never lost hope—continued to make the sacrifice through all these hardships and never lost their sense of humor. There were many tragic instances of death and suffering; they were serious men, but, as I said, they never lost their sense of humor. One of the instances was their celebration, in chains at Perote, of Texas' independence.

Familiar with the refinements of civilization they asked the Mexican authorities for good whisky and eggnog—but got horrible tequila—distilled from cactus—and goat milk; with this concoction they proceeded to celebrate, rattling their chains of slavery, taunting their Mexican captors and singing rowdy songs of the day. Some day I may be criticized for this, but the diaries of the prisoners attest to the truth of it. I trust my relative behaved with the dignity of a Congressman on that occasion.

Yes, Texas, and San Antonio will always really be a symbol of something worth while.

"Patriotism", according to Dr. Samuel Johnson, is sometimes "the last resort of the scoundrel"—and it is likewise the most precious thing to a decent human being. But I think it fair to say that there is a changing concept of patriotism. Wars are, or should be, over. Pioneering, as we once understood it, is over. But the war to make the world a decent place to live in, the pioneering of science, government, progress, has just begun. Those who are willing to be the new soldiers and pioneers will have a harder enemy to meet—the special interests, the exploiters, the gods of Greed and Hate—and they will use persecution, ridicule, hate. The enemies of civilization will use crooked finance, combines, the ridicule and falsity of a controlled press—and all of this will take far more courage than facing bullets. A bullet gives us peace, but the modern form of warfare lets us live in unhappiness, so I repeat we need more courage now than before.

Forgive me, however, for my philosophizing. Let me get back to the Alamo, to San Antonio, and to Texas.

Mr. Chairman, I believe that the Federal Government should recognize the Alamo, of San Antonio, Tex., as a monument of patriotism for future ages. I say this not because it is within my district, nor because I was born within a block of the Alamo, but because I believe the Alamo to be fully as important as the Battles of Lexington and Concord, and because I believe it obvious that it should be recognized as a national monument by all the people of the United States.

Of course, the Alamo is owned by the State of Texas, and Texans are very proud and jealous of it; they would probably object to passing title to the Federal Government. However, there is no reason why the Federal Government should not have, surrounding the Alamo, certain lands and properties in order to give it more fitting recognition. You know, we people down South come up East to see the historical points here, and we would like very much for the eastern people to come down South and see what we have there. Not only should they acquaint themselves with the great history of our Republic in Texas and how we came into the Union, but they should also see the civilization brought by the Franciscan Friars, the Spanish officials, and others who colonized and Christianized that area. Many Spanish colonial missions were established in Texas, and the most beautiful mission of all in the entire continent of North America is in San Antonio, Tex.

It is Mission San Jose, established near San Antonio in the year 1718. The rock carving there is not surpassed anywhere else in the world. It is in a good state of preservation and it is worth going all the way to San Antonio to see. There are other missions in San Antonio besides the Alamo and San Jose—the Missions Conception, San Juan de Capistrano, San Fernando, and San Francisco de las Espada.

I ask unanimous consent to place in the RECORD a brief list of the missions of Texas:

THE TEXAS MISSIONS

1. San Francisco de los Tejas,[1] 1690, near Crockett, Tex.
2. Santisimo Nombre de Maria,[1] 1690, southwestern part of Cherokee County.
3. San Francisco de los Neches,[1] 1716, near Alto, Tex.
4. Purisima Concepcion,[1] 1716, Angelina River.
4. San Jose de los Nazones,[1] 1716, about 30 miles from Concepcion.
6. Nuestra Senora de Guadalupe,[1] 1716, at Nacogdoches, Tex.
7. Nuestra Senora de los Dolores,[1] 1717, at San Augustine, Tex.
8. San Miguel,[1] 1717, at Robeline, La.
9. San Antonio de Valero,[2] the Alamo, San Antonio, 1718.
10. San Jose de Aguayo,[2] 1720, Bexar County, near San Antonio.
11. San Xavier de Naxera,[1] 1722, Bexar County, near San Antonio, between San Jose and the Alamo; exact site unknown.
12. Espiritu Santo,[2] 1722, near Victoria, then to San Antonio River.
13. Purisima Concepcion de Acuna,[2] 1731, San Antonio, Bexar County.
14. San Francisco de la Espada,[2] 1731, Bexar County, near San Antonio.
15. San Juan Capistrano,[2] 1731, Bexar County, near San Antonio.
16. San Francisco Xavier,[1] 1746, San Gabriel River.
17. San Ildefonso,[1] 1749, on the San Gabriel River.
18. Candelaria,[1] 1749, on the San Gabriel River.
19. Nuestra Senora del Rosario,[1] 1754, near Goliad, Tex.
20. San Marcos,[1] 1755, on the San Marcos River.
21. Nuestra Senora de la Luz,[1] 1756, Atascosito, Chambers County.
22. Nuestra Senora de Guadalupe,[1] 1757, on Guadalupe near New Braunfels.
23. Santa Cruz or San Saba,[1] 1757, near Menardville on the San Saba.
24. San Lorenzo,[1] 1762, 70 miles southeast of San Saba.
25. Nuestra Senora del Refugio,[1] 1793, at Refugio, Tex.

In connection with the Texas centennial in 1936—every American should take a trip through the South. If you can, go by the Tennessee Valley Authority and see the greatest achievements of present American history—go by New Orleans, where you will also see some Spanish colonial civilization, besides French civilization—drive through Texas, and spend 2 or 3 days in San Antonio, which is one of the two or three most beautiful cities in America. If you have time, drive down into Mexico, where you will see many more beautiful cities, come back by San Antonio, drive out through the west through New Mexico, where you will see some of the most beautiful mountain scenery in the world, and also a great deal of some Spanish civilization, and then go through Arizona into southern California. You can then realize the might and greatness of the State of Texas and also realize the might and greatness of much of our southern part of the United States, of Texas, and of the West.

And then, when we realize the greatness of our continent and of our national history, let us get busy considering how we are going to set this country back on its feet, kill this awful depression, and to conserve, through national action, our natural resources, put people to work, and make it so one can live in decency and fair comfort, a good standard of living, with education, sanitation, and proper housing.

Mr. Chairman, I ask unanimous consent to insert in the RECORD a compendium of Texas history from earliest times until it became a part of the United States. This compendium has been prepared for me by the Honorable J. Marvin Hunter, of Bandera, Tex., one of the foremost authorities on southwestern history in America. He is publisher of the Frontier Times. He began to print the Frontier Times 12

[1] No traces of the buildings left.
[2] In fair state of preservation.

years ago, and he has collected together thousands of stories about the history of Texas and the great Southwest. The service that he has rendered the country is very great, and it should be recognized.

I find since coming to Congress that the CONGRESSIONAL RECORD is really read very widely by all classes of our citizens, but particularly students, teachers, and those doing research work. I have largely made this effort today for the permanent record of history, and now offer for printing the compendium of my distinguished fellow Texan, Hon. J. Marvin Hunter:

A COMPENDIUM OF TEXAS HISTORY COMPOSED BY HON. J. MARVIN HUNTER

The first white man who saw Texas was probably Alvarez de Pineda, who, in 1518, 20 years after Columbus, made a map which delineated Matagorda Bay, which he named La Bahia del Espiritu Santo.

In 1527 the Spanish King commissioned Panfilo de Narvaez to command a fleet which explored the country north of Tampico and east of Florida. Alvar Nunez Cabeza de Vaca accompanied this expedition. The fleet was lost in the Gulf of Mexico, and Cabeza de Vaca, with some of the crew, was cast upon the coast. After 8 years' wandering they reached a Spanish settlement in Mexico, and in due time reached Spain.

In 1538 Hernando de Soto reached Florida, and after 3 years in the country which is now the Gulf States, he reached and crossed the Mississippi River. De Soto died near the mouth of the Red River. His survivors traveled westward 150 leagues, which, from their description, has been identified as the eastern Cross Timbers of Texas.

In 1540 Francisco Vasquez Coronado set forth from Mexico with 250 horsemen and 70 Spanish infantry, accompanied by a number of priests, and passed through the Grand Canyon of the Colorado, through New Mexico, and entered Texas, their route being across a portion of the Staked Plains.

In 1682 a company of Spaniards under Espejo visited the upper Rio Grande and established missions at El Paso and Santa Fe.

In 1685 the coast of Texas was visited by Robert Cavelier de La Salle, who sailed from France with 4 ships and upward of 300 persons, to plant a colony at the mouth of the Mississippi. The fleet sailed too far to the westward, and entered Matagorda Bay. La Salle crossed the bay and ascended the Lavaca River, where he erected Fort St. Louis, since known as "Dimmit's Point." In March 1687 he was cruelly assassinated by one of his own men.

The first Spanish mission in east Texas was established in 1690 on the Neches River.

The first Spanish Governor of Texas was Don Domingo Teran de Los Rios, who was appointed in 1691.

In 1692 a village called San Fernando (now San Antonio) was begun near the head of the San Antonio River.

The Mission San Antonio de Valero was commenced on the Rio Grande in 1703 and removed to the San Antonio River in 1715 and to the plaza in the city in 1718.

In 1714 the Mission Nuestra Senora de Guadalupe was started on the Guadalupe River.

In 1715 was also commenced the missions at La Bahia, Nacogdoches on Ayish Bayou and at Adaes, on the east side of the Sabine.

San Antonio was erected into a presidio November 28, 1730, and the next year citizens for the new city were brought from the Canary Islands. The transportation of 16 families, consisting of 57 persons, cost the royal treasury $72,000.

On March 5, 1731, was laid the foundation of La Purisima Concepcion, and a short time later the missions Las Espada, San Juan, and San Jose were commenced.

The foundation of the Alamo was laid in 1744.

In 1778 the foundation of the old stone house in Nacogdoches was laid, and in 1790 the Mission of Our Lady of Refuge, Refugio, was commenced. This was the last mission undertaken by the Franciscans in Texas. For a century they had labored for the civilization of the Indians. Some of their mission churches have disappeared. Other massive structures still stand, monuments to the religious zeal and enterprise of their founders.

Under the right of prior discovery by La Salle, the French still laid claim to Texas. By a royal charter, dated September 14, 1712, Louis XIV granted to Anthony Crozat the whole of Louisiana, including all the territory drained by the Mississippi. In 1718 the territory of Louisiana passed to the control of the Company of the Indies, of which John Law, the celebrated financier, was the leading spirit. In the latter part of this year, war broke out between France and Spain. As soon as this was known, St. Denis, who was in command at Natchitoches, collected a few soldiers for the invasion of Texas. The French expelled the Spaniards from Nacogdoches, and advanced as far as San Antonio. The controversy as to the ownership of Texas was kept up by different parties for more than a century.

In 1729 a number of powerful Indian tribes formed a coalition for the expulsion of all the Europeans from the country between the Mississippi and the Rio Grande. In 1732, Governor Bustillos organized a military expedition and chastised the savages, and secured peace to the settlements.

In 1762 France transferred her Louisiana possessions to Spain.

In 1800 Spain retroceded Louisiana to France, and in 1803 Bonaparte sold it to the United States.

At the close of the eighteenth century Texas had a population estimated at about 6,000, of which one-third were in San Antonio; and there were permanent settlements at Goliad, Nacogdoches, and other points.

The increasing prosperity of the American Republic and the claim that Texas was included in the purchase of Louisiana, excited the jealousy of the Spaniards, who adopted a proscriptive police.

In 1800 Philip Nolan, Ellis P. Bean, and 18 others left Natchez, Miss., to hunt wild horses in Texas. Arriving on the high prairies, between the Trinity and the Brazos, Nolan halted and erected a block house. Lieutenant Musquez and about 100 Spanish soldiers attacked the house, and Nolan was killed. Bean was captured and sent to Mexico in irons.

In 1806, Lt. Zebulon M. Pike, of the United States Army, while on an exploring tour toward the headwaters of the Rio Grande, was discovered by the Mexicans, arrested, and sent home under an escort. The next year Colonel Freeman, sent out by President Jefferson to explore the Red River country, was also discovered by the Mexicans, arrested, and sent home.

In 1805 Governor Don Antonio Cordero advanced from La Bahia (now Goliad) to the Sabine with a military force to hold the country.

In 1812 Lt. Augustus W. Magee took possession of Nacogdoches. September following, with about 300 followers, he captured Goliad without a fight. Magee died February 1, 1813, and was succeeded in command by Samuel Kemper. This small army took the name of the Republican Army of the North, and started for San Antonio, where the Spaniards had been reinforced and numbered about 2,000. On the 5th of March, 1813, after severe fighting, the Spanish commander surrendered his sword to Kemper. A month later another Spanish army, said to number about 3,000, and after a siege, was defeated by the Republicans.

In 1819 Dr. James Long organized at Natchez an expedition for the invasion of Texas. He crossed the Sabine in June of that year. At Nacogdoches he organized a provisional government and sent detachments of soldiers to occupy the trading posts in eastern Texas. At Goliad Long was betrayed and taken to Mexico City. Later he was liberated, and soon afterward assassinated in that city.

Moses Austin, then a resident of Missouri, heard glowing descriptions of Texas, and resolved to apply to the proper authorities for permission to introduce 300 families into Texas. In pursuit of this scheme he visited San Antonio. At first he was ordered to leave the Province; and as he left the office of Governor Martinez he met Baron de Bastrop, an old friend he had known in Louisiana. Through the influence of Bastrop the Governor was induced not only to rescind the order for Austin's banishment, but to join the municipal officers of the city in recommending his project to General Arredondo at Monterey. Austin hastened back to make arrangements for introducing his colonists. Shortly after reaching Missouri, Austin died, leaving, however, a dying injunction that his son, Stephen F. Austin, should carry forward his plans.

Stephen F. Austin was in New Orleans when he heard of the success of his father's application, and he immediately started for Natchitoches, where he met the Mexican commissioner, Don Erasmo Seguin, sent there with the decree of Arredondo, and who was accompanied by Don Juan Veramendi. These Mexican gentlemen accompanied him to San Antonio, arriving there August 13, 1821, and he was cordially received by Governor Martinez. After examining the country, and choosing the region between the San Jacinto and Lavaca Rivers for a location, Stephen F. Austin returned to New Orleans. The schooner *Lively* was purchased and loaded with provisions, farming utensils, etc., and with 18 persons on board, sailed from New Orleans for Matagorda Bay November 20, 1821, and was never hear from afterward.

The same day the *Lively* left New Orleans Austin started for Texas by land, being joined at Natchitoches by 10 companions. The party reached the Brazos River the last day of the year. Austin hastened to the coast to meet the party of the *Lively*. For nearly 3 months he waited, when, receiving no tidings of the missing vessel, he finally gave her up for lost.

Introducing the 300 families required by the first contract, Austin, under the colonization law of April 1825, entered into another contract for 500 more. In 1827 he took a third contract for 100 families, and the next year a fourth for 300.

On the 18th of April 1825 Hayden Edwards took a contract for the introduction of 800 families into east Texas.

In 1826 Joseph Vehelin obtained a charter to colonize a large scope of country and was requested to introduce Swiss, Germans, and French.

At the same time David G. Burnet obtained a grant to colonize the region north of Vehelin's colony.

In 1829 Lorenzo de Zavala obtained a grant to colonize the country bordering upon the Sabine.

Martin de Leon obtained two contracts, the first in 1825 to introduce 41 families and the second in 1829 for 150 more, all to be located near the Guadalupe River. The territory still higher up the river was granted to Green DeWitt in 1825.

On the coast between the San Antonio and Nueces Rivers, Hewitson and Powers introduced some colonists, having in 1828 obtained a contract for 200 families. The same year McMullen and McGloin contracted to introduce a similar number into San Patricio County. Most of these latter colonists were Irish.

In 1830 Sterling C. Robertson and Alexander Thomson entered Texas with some colonists, but some difficulties arose with the Mexican authorities, and most of these families settled in Austin's

colony. Sterling C. Robertson was ordered to leave the province, but in April 1934, by decree he was reinstated as empresario, and succeeded in introducing some 300 families.

B. R. Milam was given a colonization grant, but disposed of his contract to Baring Bros., London, England.

General Filisola obtained a charter for colonizing the territory north of that given David G. Burnet, and the Red River country was given to John Cameron. Contracts were also awarded to Frost Thorn, Stephen J. Wilson, and Padilla and Chambers, but no steps were taken to settle the territory. West of the Nueces, in the State of Coahuila, Beale, and Grant introduced a few English colonists. After 1825 a large number of immigrants came to Texas on their own responsibility, selected homes and obtained titles to their land, under the provision of a general colonization law.

The law of 1824 guaranteed to foreigners settling in Texas security for their persons and property. Ten coast leagues and 20 leagues bordering on the United States were reserved from location. Under Austin's first contract, by previous agreement, the colonists were to pay 12½ cents an acre. This, however, was never collected.

The early inhabitants of Texas endured many privations. Meat could be procured by hunting, but families were sometimes for weeks without bread, and sugar and coffee were luxuries seldom obtainable. The men dressed mostly in buckskin, the women in such fabrics as could be obtained.

In Austin's colony, up to 1828, Austin himself exercised the functions of empresario. He held the rank of lieutenant colonel in the Mexican Army. He also held the office of supreme judge.

One of the first acts of the Mexican National Congress, assembled under the constitution of 1824, was the erection of former provinces into states similar to those of the American Union. Texas was connected temporarily with the neighboring State of Coahuila. The legislative body of the united state was called a congress, and was composed of 12 members, of whom Texas was entitled to 2. A representative, if not a native of Mexico, must have resided 8 years in the country, and was required to be worth $8,000 or to have an income of $1,000 annually. Popular elections were held on Sunday, the people not voting directly for the congressmen but for electors, who subsequently elected them.

On the 6th of April 1830, President Bustamente issued a proclamation prohibiting any further immigration into Texas from the United States. In 1831 customhouses were established at Nacogdoches, San Antonio, Copano, Velasco, and Anahuac. By decree of April 7, 1832, foreigners (meaning Americans) were forbidden to carry on a retail trade in the country, and a considerable body of troops were sent into Texas.

The first serious difficulty between the colonists and the military occurred at Anahuac, when Colonel Bradburn proclaimed martial law and arrested a number of citizens for whom he had conceived a dislike, and confined them in the barracks. By another military decree all the ports of Texas were closed, except Anahuac. It was not expected that Anglo-Americans, with their inborn love of liberty, would tamely submit to such outrages. Meetings were held and measures devised to effect the release of the prisoners in the stockade. A company was organized under the command of Francis W. Johnson, who demanded the immediate release of their fellow citizens. Bradburn refused to accede to the demand. General Piedras was approaching from Nacogdoches with reinforcements, and as soon as he ascertained the true state of affairs, superceded Bradburn (who immediately left for New Orleans) and released the prisoners. At this juncture, news arrived of a revolution in Mexico. Santa Anna had pronounced against Bustamente, and proclaimed anew the Constitution of 1824. A public meeting at Turtle Bayou June 13, 1832, gave a cordial assent to this republican movement. This placed the Americans in Texas in harmony with the Liberal Party of the Nation.

In the month of May, the assailing party at Anahuac needing cannon, went to Velasco to get two which were at that place, but Colonel Ugartechea declined to let the cannon pass Velasco. Volunteers were called for to capture the garrison, and 112 men responded. The cannon were placed on board the schooner *Brazoria*, in charge of Captain Russell, and floated down the river. Captain John Austin conducted the remainder by land. These, when they arrived at the mouth of the river, were formed into two companies. Captain Brown, with one company, took position near the beach. Captain Austin, under cover of darkness approached within a few rods of the fort, carrying palisades of plank for protection, and, working in silence, threw up temporary breastworks. The battle commenced about 12 o'clock at night, June 25, 1832. Just after daylight a shower of rain fell damaging the ammunition of the assailants. The party on the vessel kept up the fight, and the riflemen were especially successful in picking off gunners who mounted the parapet to fire the cannon. After 10 hours' fighting a white flag was raised in the fort, and the garrison surrendered. In the fight the Mexicans lost 35 killed and 15 wounded. The loss of the Texans was 8 killed and 27 wounded.

The attachment of Texas to Coahuila was inconvenient, unnatural, and in many respects, disadvantageous to Texas, which now had a population equal to that of the smaller states of Mexico. A convention was held in San Felipe de Austin in April 1833, and a constitution was drafted by Sam Houston. It was adopted and submitted to the national authorities for approval. Judge David G. Burnet drew up an able memorial, showing the disadvantages under which Texas labored, and the necessity for a separate state government. The government refused to grant the Texans' request.

In 1834 Coahuila was convulsed with a revolution, which still more forcibly illustrated the necessity of separating Texas from Coahuila.

Perhaps Texas might have become and remained a Mexican State had the Mexicans maintained a republican form of government. But the Republic had disappeared, Santa Anna had abandoned the liberal party, and was making strides toward absolute power. The constitution of 1824 had been swept away, and the mass of the people disarmed.

The revolution in Mexico was completed on the 3d of October 1835. The state of chaos in Coahuila left Texas comparatively without civil government. At this period, when the public mind was unsettled, Austin, who had been in prison in Mexico reappeared in Texas, having been released from his long confinement.

Gonzales has been denominated the Lexington of Texas. A cannon had been given the citizens for defense against the Indians. Colonel Ugartechea, in command at San Antonio, sent Captain Castanado, with 150 men to seize this gun and carry it to San Antonio. The Texans rallied under Capt. Albert Martin, and resolved to retain it. By the 1st of October the Texan force at Gonzales had increased to 168. John H. Moore was elected colonel. The Texans manned the cannon and went out to attack Castanado. The fight opened with the discharge of the cannon, when the Mexicans precipitately retreated toward San Antonio, and the Texans returned in triumph to Gonzales.

On October 8, the Texans, under Captain George Collingsworth, attacked and captured Goliad, taking 25 prisoners, several pieces of artillery, 300 stands of arms, and about $10,000 in money.

On the 6th day of November 1835 the independence of Texas was declared, and on the 12th a provisional government was organized, with Henry Smith for Governor; James W. Robinson, Lieutenant Governor; and Sam Houston, commander in chief of the regular army.

The Texans, who, had, on the first alarm of war, gallantly repulsed Castanado, were not prepared for a regular campaign, and many of them soon returned to their homes. Those remaining in camp were without a recognized leader. In the contingency General Austin was selected as commander in chief.

At San Antonio the Mexican garrison had been strengthened by the arrival of General Cos and numbered about 1,000 men. This city was Austin's objective point. With his army he crossed the Guadalupe River and on the 20th of October he arrived at the Mission La Espada, 9 miles from the city. He sent a detachment of 92 men, under Colonels Bowie and Fannin, to reconnoiter and if possible select a camping ground near the city. On the morning of the 28th this detachment found themselves confronted on 3 sides by 400 Mexican soldiers. After some severe fighting the Mexicans retreated to the city, leaving their 6-pounder on the field. In this engagement the Texans had one man killed. The Mexicans' loss was not accurately known, but 16 dead bodies were lying near the abandoned cannon, which had been fired but 4 times.

On November 28, General Austin, who had been appointed Commissioner to the United States, resigned the command of the army, and was succeeded by General Burleson.

On December 5 the Texans, under General Burleson, Colonel Neil, Col. Ben Milam, and F. W. Johnson, began an assault upon the city of San Antonio, which continued for several days, during which time Colonel Milam was killed. General Cos, the Mexican commander, on the morning of the 9th of December, surrendered the city and the Alamo to the Texans.

On December 10 the executive council passed a decree ordering an election of delegates to a general convention. The 22 municipalities were to elect 56 delegates; the election to be held on the 1st of February 1836, and the convention to meet in Washington-on-the-Brazos on the 1st of March.

It was soon discovered that the executive council was too unwieldy for prompt action. A rupture occurred, and on the 11th of January the council, by a unanimous vote, deposed Governor Smith, and installed Lieutenant Governor Robinson as Governor. The Governor declined to surrender his office, and a wordy controversy ensued, which was protracted until the meeting of the convention in Washington-on-the-Brazos.

The delegates to the convention assembled on the 1st of March. Richard Ellis was elected president and H. S. Kimble, secretary. On the second day of the session a declaration of independence was unanimously adopted. By the 15th a constitution had been prepared, and on the 16th a government ad interim was inaugurated, with David G. Burnet for president and Lorenzo de Zavala vice president. Sam Houston was appointed commander in chief of the forces in the field. The convention adjourned on the 17th, and a few days afterward President Burnet and the members of his cabinet removed to Harrisburg.

Texas was now the only Mexican province that disputed the authority of Santa Anna, and he immediately began preparations for its subjugation. He sent his main army across the Rio Grande at Presidio, and thence to San Antonio, while a supporting column advanced along the coast from Matamoras to Goliad. Santa Anna arrived at Saltillo, Mexico, toward the last of January 1836. On the 16th of February he was at Guerrero. The advance of the army reached the heights of the Alazan, overlooking the city of San Antonio, on the 22d of February. On the approach of the Mexicans Col. W. B. Travis, with 144 men, retired to the Alamo.

Santa Anna sent a summons to the garrison to surrender. This was answered by a cannon shot from the battery. Travis had 14 cannon but only a limited supply of ammunition. A blood-red flag, proclaiming "No quarters", floated over the church in the city.

On the 24th Travis dispatched couriers to San Felipe and to Goliad for help. The Mexicans bombarded the fort without effect.

The siege was kept up for several days. On March 2 Capt. John W. Smith with 32 citizen-soldiers from Gonzales, forced their way through the Mexican lines and entered the fort. On the 3rd Col. J. B. Bonham, who had been sent to Goliad for reinforcements, returned and rejoined his companions in the fort. On Sunday morning, March 6, the 13th day of the siege, the Alamo fell, every man dying at his post. The only persons spared were Mrs. Dickinson and her little daughter, Mrs. Alsbury and child, and a Negro belonging to Travis. The garrison numbered about 180. The loss of the enemy was 521, with a like number wounded. Santa Anna's assaulting force numbered between 4,000 and 6,000.

On March 17 Fannin, with several pieces of artillery and about 400 men, was en route to Victoria, from Goliad, and when on Coleta Creek was attacked by the Mexicans under Urrea. Urrea received heavy reinforcements, including a park of artillery. Without adequate protection against the enemy's cannon, destitute of water, and surrounded by an army five times as large as their own, the Texans saw no alternative but to surrender. A white flag was hoisted, and terms of capitulation agreed upon.

The prisoners were marched back to Goliad and confined in the old mission. Most of these prisoners were from Georgia, and constituted what was known as the "Georgia battalion." On the night of March 26 a messenger arrived from Santa Anna with orders for their execution. This order was faithfully executed the next morning, Palm Sunday, March 27. Without warning the privates, in four columns, were simultaneously marched out in different directions, each one strongly guarded. When at a short distance from the fort, at a given signal, all were halted and shot. The most of them were killed instantly. Some, who were only wounded, were dispatched with sabers, and a few, by feigning death, escaped it. After the privates had been put to death the officers and wounded were murdered in the fort. All the bodies were left unburied, though partially burned in a brush fence. Eight physicians and attendants were spared; 27 made their escape; 330 were slain.

After the capture of San Antonio and Goliad, Santa Anna considered Texas subjugated, and intended to return home, leaving his generals to reestablish Mexican laws and institutions, but Almonte and Filisola, two of his ablest generals, reminded the President that all the Texans thus far encountered were recent volunteers from the United States, and that the real strength of the colonists was unimpaired. Feeling the force of these observations, Santa Anna prepared to push three columns into the heart of the country.

Gen. Sam Houston arrived at Gonzales on the 11th of March, and found 500 men in the army, most of whom had been in the campaign of 1835. That same evening he received news of the fall of the Alamo, and the expected advance of Santa Anna. As his force was inadequate to cope with the enemy, he ordered a retreat. This was commenced about midnight March 12, the families removing with the army. The Texans crossed the Navidad River on the 14th, and the Colorado on the 17th. When he crossed the Colorado, Houston's army had increased to 600 men. He remained on the east side of the river, at the old Atascosita Crossing (Columbus) until the 25th, and recruits continued to arrive until he had an army of 1,200 to 1,500 men. On the 26th the Texans took up the line of march for San Felipe, where instead of crossing the river, Houston changed his course up the stream, and camped in the Brazos bottom from the 29th of March until the 12th of April. On the day Houston encamped on the Brazos, Santa Anna started the bulk of the central column from San Antonio, and with his personal staff arrived at Columbus on the 5th of April. Leaving the heavy ordnance and most of the infantry to follow he hastened on and reached San Felipe on the 7th. A small company of determined Texans, under Capt. Mosely Baker, disputed the passage of the river, and Santa Anna turned down to seek another crossing. He arrived at Cole's on the Bernard on the 9th, rested on the 10th, and sent out a foraging party to procure supplies of corn, etc.

On the 12th Santa Anna reached Richmond, and captured a ferryboat. On the 15th, late at night, the Mexicans reached Harrisburg. After remaining there 2 days, he marched his advanced column down to New Washington, and on the morning of the 20th he started a small boat, loaded with provisions, up to Lynchburg, where he intended to cross his army and march eastward. The boat fell into the hands of the Texans and furnished an acceptable supply to hungry soldiers. That morning Santa Anna's scouts notified him of the arrival of Houston's army at Lynchburg. About the middle of the day the Mexican scouts came in sight of the camp of the Texans and by the middle of the afternoon the whole force, with the commander, had arrived and camped within a mile of the Texans.

Toward evening the artillery of the Mexicans, supported by the cavalry, was deployed in front and a little to the right of the Texans' camp. General Sherman, in command of the Texas cavalry, marched out to repel the threatened attack. The discharge of the Texan cannon, and the gallant charge of Sherman, checked the advance of the enemy.

About 9 o'clock on the morning of April 21, 1836, General Cos arrived with 500 additional troops, swelling Santa Anna's force to about 1,600 men. To meet this army Houston had only 783 men. Erasmus (Deaf) Smith was dispatched to Vince's Bridge, across a bayou. The whole Mexican army had crossed this bridge, and knew of no other chance to retreat. About 4 o'clock in the afternoon, the Texans attacked Santa Anna's forces, rushing impetuously upon the foe, shouting "Remember the Alamo!" "Remember Goliad!"

The Mexicans were not expecting an attack at that late hour in the day. Many of them were taking their evening siesta. Even Santa Anna was asleep. Before their lines could be formed the Texans were over their breastworks, taking their cannon. The battle lasted only a few minutes, but the victory was complete. As "Deaf" Smith had destroyed Vince's bridge, the Mexicans could not escape. The Texans lost 8 killed and 25 wounded. The loss of the Mexicans was 630 killed, 208 wounded, and 730 prisoners, including the President of Mexico. The Texans captured all of the artillery and camp stores of the enemy and the military chest containing $12,000 in specie.

After the decisive battle of San Jacinto, things moved rapidly toward the successful establishment of the Republic of Texas. On July 23, President Burnet issued a proclamation ordering an election for President, Vice President, and members of Congress. The people were also to vote on the adoption of the constitution, which had been framed by the convention in March, and also on the question of annexation. The unsettled state of Mexico secured Texas from danger from that quarter. Santa Anna was still held a prisoner, but after the meeting of Congress in October his irons were removed, and after the adjournment of that body, General Houston released him and sent him, at his own request, to Washington, D. C.

At the election held in September, Sam Houston was elected president and M. B. Lamar, vice president. The constitution was adopted by an almost unanimous vote, and the vote was equally strong for annexation. Congress met at Columbia on October 3. On October 22 Generals Houston and Lamar were duly installed in their respective offices.

Thus closed the revoluntionary period of Texas, the darkest and the brightest period in Texas history.

At the election held September 3, 1838, Mirabeau B. Lamar was elected president, and David G. Burnet, vice president.

In 1841 Sam Houston was elected President and Edward Burleson, Vice President.

In 1844 Anson Jones was elected President, and Kenneth L. Anderson, Vice President. President Jones convened an extra session of Congress on the 16th of June 1845, and this body promptly passed a bill assenting to annexation with the United States. A convention met in Austin on July 4, 1845, on the same day Congress passed the annexation bill. This, with a new constitution, was submitted to a vote of the people October 13.

On the third Monday in December a general election was held for State officers and members of the legislature. That body assembled in Austin, and on the 19th of February 1846, Anson Jones, the last President of the Republic of Texas, handed over the executive authority to J. Pinckney Henderson, first Governor of the State of Texas. On December 29, 1845, President Polk signed the bill extending the laws of the United States over Texas; and the same day Governor Henderson was inaugurated, the Postal Service of the Union was extended over the State, and the customhouses and other public property of the late Republic relinquished to the United States. Thus annexation was consummated, and the Lone Star, the emblem of the youngest born of republics, was merged in the constellation of the American Union.

Mr. SUMNERS of Texas. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. SUMNERS of Texas. Mr. Chairman, I do not want 5 minutes; I just want to express my deep appreciation to the members of this committee for the recent vote and to say that all those who voted against us did so for what they considered a good reason; but you come down to Texas, and we will forget all about that vote, and we will show you where the sons of your own States enacted a drama upon that stage as heroic as devotion and courage and capacity ever placed within the opportunity of any generation.

The Clerk concluded the reading of the Senate joint resolution.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GILLETTE, Chairman of the Committee of the Whole House on the state of the Union, reported that the Committee having had under consideration Senate Joint Resolution 131, pursuant to House Resolution 264, he reported the same to the House with sundry amendments adopted in the Committee of the Whole.

The SPEAKER. Under the rule the previous question is ordered.

Is a separate vote demanded upon any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The Senate joint resolution was ordered to be read a third time, and was read the third time.

Mr. MARTIN of Massachusetts. Mr. Speaker, I move to recommit the Senate joint resolution.

The Clerk read as follows:

Mr. MARTIN of Massachusetts moves to recommit the Senate joint resolution to the Committee on Foreign Affairs with instructions to report the same back forthwith with the following amendment:

"On page 6, line 4, strike out '$3,000,000' and insert '$1,500,000.'"

Mr. McREYNOLDS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The question was taken; and on a division (demanded by Mr. MARTIN of Massachusetts) there were—ayes 39, noes 86.

Mr. MARTIN of Massachusetts. Mr. Speaker, I object to the vote on the ground there is not a quorum present.

The SPEAKER. Evidently there is not a quorum present.

Mr. BLANTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. The previous question having been ordered, if the House were to adjourn now, this vote would be the first order of business on Monday, would it not?

The SPEAKER. That is correct.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 88, nays 188, answered "present" 2, not voting 151, as follows:

[Roll No. 102]

YEAS—88

Amlie	Ekwall	Kinzer	Reilly
Andresen	Engel	Lemke	Robsion, Ky.
Andrew, Mass.	Fenerty	Luckey	Rogers, Mass.
Andrews, N. Y.	Fiesinger	Ludlow	Sauthoff
Arends	Focht	McKeough	Schneider
Blackney	Ford, Miss.	McLeod	Scott
Boileau	Fuller	Maas	Short
Bolton	Gehrmann	Mapes	Snell
Brewster	Gilchrist	Martin, Mass.	Stewart
Buckbee	Goodwin	Michener	Taber
Carlson	Gwynne	Millard	Tarver
Christianson	Halleck	Mitchell, Tenn.	Taylor, Tenn.
Church	Hancock, N. Y.	Mott	Thom
Colmer	Harlan	O'Brien	Thomas
Cooper, Ohio	Hess	O'Neal	Treadway
Crawford	Hoffman	Patterson	Turpin
Darrow	Holmes	Pearson	Wigglesworth
Deen	Hope	Peterson, Ga.	Wolfenden
Ditter	Hull	Powers	Wolverton
Dondero	Jenkins, Ohio	Rabaut	Woodruff
Duffey, Ohio	Kenney	Reed, Ill.	Young
Eicher	Kimball	Reed, N. Y.	Zioncheck

NAYS—188

Ashbrook	Cullen	Hildebrandt	McFarlane
Ayers	Cummings	Hill, Ala.	McGehee
Barden	Daly	Hill, Knute	McGrath
Beiter	Delaney	Hill, Samuel B.	McLaughlin
Biermann	Dies	Hobbs	McReynolds
Bland	Dingell	Hook	Mahon
Blanton	Dobbins	Houston	Maloney
Bloom	Dockweiler	Huddleston	Mansfield
Boland	Doughton	Imhoff	Martin, Colo.
Boylan	Doxey	Jacobsen	Mason
Brown, Ga.	Driver	Jenckes, Ind.	Massingale
Brunner	Duffy, N. Y.	Johnson, Okla.	Maverick
Buchanan	Dunn, Pa.	Johnson, Tex.	Merritt, N. Y.
Buck	Eagle	Johnson, W. Va.	Montague
Buckler, Minn.	Eaton	Jones	Nelson
Burdick	Eckert	Kee	O'Connor
Caldwell	Faddis	Keller	O'Day
Cannon, Mo.	Farley	Kennedy, Md.	O'Leary
Cannon, Wis.	Ferguson	Kennedy, N. Y.	Patton
Carpenter	Fitzpatrick	Kerr	Peterson, Fla.
Cartwright	Flannagan	Kleberg	Pfeifer
Cary	Fletcher	Kloeb	Pierce
Castellow	Ford, Calif.	Kniffin	Pittenger
Chandler	Gasque	Knutson	Plumley
Chapman	Gavagan	Kocialkowski	Quinn
Citron	Gillette	Kramer	Ramspeck
Coffee	Gray, Ind.	Kvale	Rankin
Colden	Green	Lambertson	Rayburn
Cole, Md.	Greenway	Lambeth	Reece
Collins	Greever	Lanham	Richards
Connery	Gregory	Lea, Calif.	Richardson
Cooper, Tenn.	Griswold	Lee, Okla.	Robinson, Utah
Costello	Guyer	Lesinski	Rogers, Okla.
Cox	Haines	Lewis, Colo.	Romjue
Crosby	Hamlin	Lloyd	Rudd
Cross, Tex.	Hart	Lundeen	Ryan
Crosser, Ohio	Harter	McAndrews	Sadowski
Crowe	Hennings	McCormack	Sanders, La.
Sanders, Tex.	South	Thurston	Weaver
Schaefer	Spence	Tinkham	Welch
Schulte	Starnes	Tonry	Werner
Secrest	Steagall	Turner	West
Shanley	Sullivan	Umstead	White
Smith, Va.	Sumners, Tex.	Utterback	Whittington
Smith, Wash.	Taylor, Colo.	Vinson, Ky.	Wilcox
Smith, W. Va.	Taylor, S. C.	Wadsworth	Williams
Snyder	Thomason	Wallgren	Wilson, La.

ANSWERED "PRESENT"—2

Sweeney	Truax

NOT VOTING—151

Adair	Dietrich	Larrabee	Randolph
Allen	Dirksen	Lehlbach	Ransley
Arnold	Disney	Lewis, Md.	Rich
Bacharach	Dorsey	Lord	Robertson
Bacon	Doutrich	Lucas	Rogers, N. H.
Bankhead	Drewry	McClellan	Russell
Beam	Driscoll	McGroarty	Sabath
Bell	Duncan	McLean	Sandlin
Berlin	Dunn, Miss.	McMillan	Schuetz
Binderup	Edmiston	McSwain	Scrugham
Boehne	Ellenbogen	Marcantonio	Sears
Brennan	Englebright	Marshall	Seger
Brooks	Evans	May	Shannon
Brown, Mich.	Fernandez	Mead	Sirovich
Buckley, N. Y.	Fish	Meeks	Sisson
Bulwinkle	Frey	Merritt, Conn.	Smith, Conn.
Burch	Fulmer	Miller	Somers, N. Y.
Burnham	Gambrill	Mitchell, Ill.	Stack
Carmichael	Gassaway	Monaghan	Stefan
Carter	Gearhart	Montet	Stubbs
Casey	Gifford	Moran	Sutphin
Cavacchia	Gildea	Moritz	Terry
Celler	Gingery	Murdock	Thompson
Claiborne	Goldsborough	Nichols	Tobey
Clark, Idaho	Granfield	Norton	Tolan
Clark, N. C.	Gray, Pa.	O'Connell	Underwood
Cochran	Greenwood	Oliver	Vinson, Ga.
Cole, N. Y.	Hancock, N. C.	O'Malley	Walter
Cooley	Hartley	Owen	Warren
Corning	Healey	Palmisano	Wearin
Cravens	Higgins, Conn.	Parks	Whelchel
Crowther	Higgins, Mass.	Parsons	Wilson, Pa.
Culkin	Hoeppel	Patman	Withrow
Darden	Hollister	Perkins	Wolcott
Dear	Kahn	Pettengill	Wood
Dempsey	Kelly	Peyser	Woodrum
DeRouen	Kopplemann	Polk	Zimmerman
Dickstein	Lamneck	Ramsay	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. Cole of New York (for) with Mr. Randolph (against).
Mr. Halleck (for) with Mr. Patman (against).
Mr. Marshall (for) with Mr. Lewis of Maryland (against).
Mr. Hollister (for) with Mr. Frey (against).
Mr. Ransley (for) with Mr. Russell (against).
Mr. Granfield (for) with Mr. Dorsey (against).
Mr. Tobey (for) with Mr. Mead (against).
Mr. Wolcott (for) with Mr. Sabath (against).
Mr. Bacon (for) with Mr. Scrugham (against).
Mr. Parsons (for) with Mr. Somers of New York (against).
Mr. Culkin (for) with Mr. Celler (against).
Mr. Seger (for) with Mr. Kopplemann (against).
Mr. Lord (for) with Mr. Dear (against).
Mr. Gifford (for) with Mr. Corning (against).
Mr. Wilson of Pennsylvania (for) with Mr. McSwain (against).
Mr. Andrew of Massachusetts (for) with Mr. Palmisano (against).
Mr. Bacharach (for) with Mr. Bankhead (against).
Mr. McLean (for) with Mr. Buckley of New York (against).
Mr. Cavicchia (for) with Mr. Dickstein (against).
Mr. Lehlbach (for) with Mr. Evans (against).
Mr. Merritt of Connecticut (for) with Mr. Gambrill (against).
Mr. Perkins (for) with Mr. Mitchell of Illinois (against).

General pairs:

Mr. Warren with Mr. Crowther.
Mr. Greenwood with Mr. Allen.
Mr. Cochran with Mr. Higgins of Connecticut.
Mr. Arnold with Mrs. Kahn.
Mr. Boehne with Mr. Rich.
Mr. Oliver with Mr. Stefan.
Mr. Burch with Mr. Withrow.
Mr. Woodrum with Mr. Hartley.
Mr. Vinson of Georgia with Mr. Gearhart.
Mr. Parks with Mr. Doutrich.
Mr. Drewry with Mr. Fish.
Mr. Sandlin with Mr. Dirksen.
Mr. Fulmer with Mr. Burnham.
Mr. Sears with Mr. Englebright.
Mr. Robertson with Mr. Marcantonio.
Mr. Hancock of North Carolina with Mr. Carter.
Mr. Kelly with Mr. Gildea.
Mr. Wood with Mr. Sisson.
Mr. Pettengill with Mr. Duncan.
Mr. Moritz with Mr. Daly.
Mr. Claiborne with Mr. McClellan.
Mr. Brown of Michigan with Mr. Binderup.
Mr. Lucas with Mr. Lamneck.
Mr. Adair with Mr. Stack.
Mr. Healey with Mr. Gray of Pennsylvania.

Mr. May with Mr. Brooks.
Mr. Rogers of New Hampshire with Mr. Edmiston.
Mr. Polk with Mr. Disney.
Mr. O'Connell with Mr. Larrabee.
Mr. Beam with Mr. Casey.
Mr. Meeks with Mr. Bell.
Mr. Brennan with Mr. Clark of North Carolina.
Mr. Miller with Mr. Nichols.
Mr. Bulwinkle with Mr. Cooley.
Mr. Berlin with Mr. Cravens.
Mr. Montet with Mr. O'Malley.
Mr. Darden with Mr. Moran.
Mrs. Norton with Mr. Dempsey.
Mr. Ramsay with Mr. DeRouen.
Mr. Sirovich with Mr. Gasque.
Mr. Dietrich with Mr. Murdock.
Mr. Goldsborough with Mr. Owen.
Mr. Driscoll with Mr. Ellenbogen.
Mr. Dunn of Mississippi with Mr. Fernandez.
Mr. Higgins of Massachusetts with Mr. Hoeppel.
Mr. Sutphin with Mr. Terry.
Mr. Thompson with Mr. Walter.
Mr. Smith of Connecticut with Mr. Raubert.
Mr. Schuetz with Mr. Stubbs.
Mr. Wearin with Mr. Whelchel.
Mr. Tolan with Mr. Underwood.
Mr. Gingery with Mr. Peyser.

Mr. DOUGHTON and Mr. DINGELL changed their votes from "yea" to "nay."

Mr. COLMER changed his vote from "nay" to "yea."

Mr. McCORMACK. Mr. Speaker, the gentleman from Massachusetts, Mr. RUSSELL, is unavoidably absent. If present, he would vote "nay" on the motion to recommit.

The doors were opened.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed, and a motion to reconsider was laid on the table.

A similar House resolution (H. J. Res. 293) was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Horne, its enrolling clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7672) entitled "An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1936, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate no. 18 to the foregoing bill.

"GRASS ROOTS" CONVENTION AT SPRINGFIELD, ILL.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a speech which I made over the radio last Sunday.

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

There was no objection.

Mr. KNUTSON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following speech which I made over the radio last Sunday:

Less than 2 weeks ago I had the privilege of attending a great patriotic gathering. I refer to the so-called "grass roots" convention at Springfield, Ill., where some 20,000 men and women voluntarily assembled for the purpose of holding conference with each other. They were there for the further purpose of figuratively sitting at the feet of the great Lincoln in order that from the memory of his character and wisdom they might obtain guidance for their own course in another critical period of the Nation's history.

There were close to 8,000 accredited delegates, my home State of Minnesota sending some 300 to the prairie States conference.

Had the invitation been more general and the preliminary preparations covered a longer period of time, I doubt if the Illinois capital could have held all that would have come.

I have seen many political conventions and gatherings of a various nature but I have never seen anything so impressive as the "grass roots" conference.

The times, the critical condition of our national affairs, the necessity of meeting a situation with courage and with wisdom, all conspired to make of this unofficial conference something a great deal out of the ordinary. Throughout the history of the gathering pervaded the spirit of the martyr President. Lincoln's tomb is in Springfield. Illinois was his home State and one cannot move in that region without discovering something which recalls his simple but magnificently successful life. However, the greatest monument ever reared to Lincoln is the memory that remains of his life. The greatest lesson he extends today is the courage, the sanity, and the honest naturalness with which he grappled with the problems of his own time. They, too, were unusual. There was no charted course to guide him except the letter and spirit of the American Constitution. With that went the history of our people, the traditions that have acquired the force of law, the devotion with which men and women in every crisis have given their all—first to establish the conditions of the American Nation, and then to maintain them.

During the time I was in Springfield I visited the little log settlement of New Salem, where Lincoln spent his early manhood. I shall always be glad that I did this. From that visit I received an insight into the history of Lincoln, into the meaning and purpose of his life, that I think I never would have obtained elsewhere.

The little hamlet, resting in the bend of the Sangamon River, is an exact replica of the frontier settlement in which Lincoln mastered surveying, in which he sold calico and brown sugar over the counter of his little store, where he gazed at the stars, and where he grieved over the loss of his first sweetheart, Ann Rutledge. The place has been restored by William Randolph Hearst, who, in doing so, has contributed richly to the traditional history of our country.

Gazing at these log buildings, and looking into the window of the little store in which Lincoln worked, one gathers the immensity of the solitude in which this great natural genius must have dwelt. Here is the spirit of American frontier life in which Lincoln battled his own way. Here were the grass roots of his own time. The people who dwelt there with him were simple people. They were the Nation's advance guard, reflecting the emotions of their times and struggling with a poverty which made them sympathetic with all the aspirations of the human soul. Lincoln was a part of all this. In these conditions he reflected upon the mysteries of life, and with an analytical power never excelled, studied and evaluated the issues of the day.

The problems of every age are new and peculiar to their time. Yet there is a relationship between all of them, and there is a unity in history that cannot be avoided. In our American history we can no more determine upon a course, or make a political decision without regard to the past than can a man forget the influences which have made him what he is at the moment, and then start all anew as if the past had never been.

It is this unity which made the influence of Abraham Lincoln so all-pervasive at this remarkable gathering. Here were the representatives of a great political party, born out of the travail of the struggle for human freedom. That party had, under the leadership of Lincoln, fought a great war, first that the Declaration of Independence concept, that all men are created equal, should be made a reality, and secondly that the Nation built up under the Constitution should survive. For almost 60 years, with slight intermissions, the party organization of which Lincoln was a chief founder, has borne the responsibilities of a great National Government during a period of unprecedented national progress.

This particular conference found the party in a period of defeat. Found it chastened by misfortune. Yet found it equally devoted and as unselfishly so as when Lincoln led it to its first embattled victory.

Another great Illinoian was a spokesman for the gathering. Frank O. Lowden has a record of probably having been the greatest Governor this country has yet produced. The study of his administration is a triumph of efficiency. Today he emerges like Cincinnatus of old, from his farm home—America's elder statesman, devoted to his country, and willing to give of the latter years of his life to the preservation of its best qualities. Lowden is of the West. He has long understood its problems, and his championship of western agriculture is of long standing. Like Lincoln, Lowden is a self-made man. Born in Minnesota he early emerged from the poverty which remained with Lincoln as a badge of distinction up to the time he entered the Presidency.

With something of the Lincolnian power of keen analysis, Governor Lowden applied the scalpel to the new deal, and when he had finished he had a shouting audience enthusiastically acclaiming the sound common sense with which he had examined our present-day programs.

The "grass roots" convention was not an official body. It had no authority to speak for the Republican Party. On the other hand, it represented the prairie States section of the Union, and this viewpoint, as expressed in a tentative platform, voiced the liberal and wise point of view of the Middle West. It was out of this section that the fire and enthusiasm of the early Republican Party found its voice, its inspiration, and its leadership. It is natural that again from this section, where the American home folk still dwell, there should come the new dedication to duty and patriotic service.

Party lines have been loosened greatly in this day of the radio and of quick interchange of thought and views. Nevertheless, party organization is essential and while the Republican Party may have been beaten, it has not lost its splendid courage and its high ideals. This was demonstrated at the Springfield meeting.

The platform commits the party to a forceful stand for social justice, for liberal policies, for social security, for the protection of American agriculture, and for an adequate tariff policy which will protect the man on the farm and in the shop.

It places the Republican Party in the position of intelligent and constructive criticism of the new-deal politics, which, after 2 years of reckless brainstorming experimentation, finds unemploy-

ment continuing, of governmental expenditures increasing, and an insidious opposition to the constitutional provisions of the Government without which there can be no real America for you and me.

Instead of a philosophical acceptance of the unanimous decision of the Supreme Court, we find the administration in our Nation's Capital obstinately discussing the advisability of a centralized bureaucratic government in Washington, which would wipe out State lines and obliterate the local character of our Government, under which union has been possible and progress made possible.

It was a notable fact at this conference that it was a woman who "stole the show." Mrs. Simmons, a Democratic farm woman from Missouri, made the speech which probably stirred more genuine enthusiasm than any other, not even excepting the masterly address given by Frank Lowden.

Another notable feature of the convention was the presence there of several thousand Jeffersonian Democrats. They came to pledge their support to the Republicans in making a fight to retain our constitutional form of government. They made it plain they did not come as converts to Republicanism. They remain Democrats. But, first and foremost, they are American citizens.

It was the Democratic following of Stephen A. Douglas that made possible the success of Lincoln's program. It would be a singular duplication of history if it were the Democrats of today who, by patriotic disinterestedness, make it possible to retain our orderly process of government and sustain the Constitution for which Webster argued and Lincoln fought.

The declaration of principles adopted at the Springfield gathering is the most momentous ever to be ratified at any unofficial political gathering in all the history of the Republic. They declare unequivocally for the rights of the States and against undue encroachment on the part of the Federal Government. They reaffirm our beliefs in the rights of the individual, and they pledge the Republican Party to carry out the principles of Lincoln, Garfield, McKinley, Blaine, and Theodore Roosevelt. These principles have restored the confidence of the American people in representative government.

"GRASS ROOTS" RESOLUTIONS—DECLARATION OF REPUBLICAN PRINCIPLES INCLUDES PLEDGE TO FIGHT FOR PRESERVATION OF STATE RIGHTS

The text of the report of the Resolutions Committee to the Republican "Grass Roots" Conference follows:

Declaration of principles:

The conference of Republicans of the Middle Western States offers reverent gratitude to Almighty God for the wisdom, courage, and faith of our forefathers, who established on American soil and, through sacrifice and far-sighted vision, have maintained the eternal principles of human rights and human liberties.

We renew our faith in those principles and solemnly rededicate ourselves to the perpetuation for our posterity of the blessings which have accrued to us from their establishment and maintenance.

HOLD STATE RIGHTS VITAL

These American principles are the basis of Republican creed and Republican policies, and we translate these principles into some, but not all, of the policies which we favor. We make no pretense of attempting to write a platform, but we urge the consideration of the matters herein stated by the proper representatives of the Republican Party.

Republican creed:

We believe in the Constitution of the United States.

We believe that the constitutional separation of the powers of government into legislative, executive, and judicial should be maintained.

We believe that the maintenance of the independent sovereignties of the Federal Government and the several States, as guaranteed by the Constitution, is vital to the maintenance of our American system of government, and we reaffirm the wisdom of our forefathers, who reserved to the States their power over matters of intrastate and local concern and delegated to the Federal Government certain power over specified matters of national concern.

PRAISES ECONOMIC SITUATION

We believe in the maintenance of our American political and economic systems as established by our forefathers and developed over a century and a half of unparalleled progress.

We believe that they are sufficiently flexible to meet all of the needs of a complex civilization, while preserving those enduring principles derived from the accumulated experience of mankind.

We believe that our present troubles are not due to any inherent defects in our American system, and can be effectively dealt with within the framework of our Constitution.

We believe that a free press, open discussion, and honest criticism are essential to the preservation of free institutions.

We believe in individualism and in individual enterprise, as opposed to communism, socialism, fascism, or any other form of collectivism, no matter in what form it masquerades, whether as a "new deal", a "planned economy", or otherwise.

FREE ENTERPRISE FAVORED

We believe that our American system of free enterprise is the one, above all others, capable of providing the great mass of the people with a substantially higher standard of living and greater economic security, without loss of freedom, through an ever-widening distribution of property ownership among American families.

We believe that the successful functioning of the American system demands that the competitive system be maintained and fostered and that individual initiative be encouraged.

We believe that once economic freedom is destroyed, political liberty must suffer the same fate, and that aside from its contribution to material progress, there is a moral value to liberty which justifies any sacrifice to preserve it.

We recognize and approve the principle of collective bargaining, the representatives of labor to be of labor's own choice. We are opposed to the employment of women in industry, that their health and welfare may be safeguarded. We are firmly committed to the principles that wages in America must be kept consistent with American standards. We recognize that the maintenance of the American standard of living of the wage earner is an essential element of national recovery.

OLD-AGE RESERVES FAVORED

We recognize that the security of our citizens demands Government aid in the establishment of old-age and unemployment reserves.

We are grateful for the valiant and sacrificing service of our men of all wars and pledge ourselves to see that justice is accorded them.

We believe that the resources of our country and the enterprise and industry of our citizens are such that the existence of an immense and permanent class of dependents is as unnecessary in the future as in the past; that Americans will continue to demand work at decent wages, not the dole of public charity, and that this demand can be generally and promptly met once American industry is freed from the uncertainties of indefensible experiments and the attempt to force American life into new and alien molds.

We believe in the equality of economic opportunity for all men, irrespective of race or color, in accord with the humanitarian beliefs of Abraham Lincoln.

We believe it to be our duty to accept the challenge of the defeatists who would repudiate our country's past, and betray its future, and to appeal to our countrymen to rally to the defense of American institutions.

ECONOMY IN GOVERNMENT

Governmental policies:

Guided by the principles expressed in our Republican creed, we advocate the following:

1. The immediate adoption of a policy of economy and thrift in Government with due allowance for essential relief expenditures as opposed to the present spending policy of waste and extravagance.

2. The prompt attainment of a balanced Budget, not by the misleading method of double bookkeeping but by the honest method of bringing the expenses of the Government within the limits of its income.

3. A sound currency based on gold and definitely stabilized by Congress so that individual enterprise may have confidence in the future value of the dollar, in terms of which every man's plans for his present or future must necessarily be made. This is a necessary foundation of enduring national recovery.

Every effort should be made to extend this stabilization so that it will be international in character.

4. The immediate withdrawal of Government from competition with private industry.

5. The maintenance of the vitality and free growth of American industry through the preservation of the competitive system, protected against monopoly by the vigorous enforcement of antitrust laws so that small businesses may be preserved and the door of equal opportunity kept open to all.

6. The rigid enforcement of all laws, civil and criminal, to prevent and punish dishonest or unfair practices in business, industry, and finance; this is essential to the conduct of legitimate business and the protection of our people.

STAND FOR AGRICULTURE

7. National recognition of the needs of agriculture. Agriculture is a fundamental industry of the United States. No high standard of living can be attained or long enjoyed which is indifferent to agriculture. The farmer combines in one the functions of capital, management, and labor. He constitutes that class, the decline of which throughout the history of all nations has been followed by national disintegration. Any program for national security must inevitably start with agriculture. We hold that no economic advantage of agriculture thus far attained shall be surrendered.

The farmer is, of right, entitled to a fair and proportionate part of the national income and to receive a parity price for the products of his farm in domestic markets. Recognizing these facts, we endorse the enactment of such legislation, approved by the farmers themselves, as will accomplish such purposes. While it is recognized that agricultural products will suffer certain price fluctuations, the same as in the case of other business, we hold that the stabilization of the farm market will go further than anything else toward the stabilization of all business and the elimination of recurring panics and depressions with their tragedies of bankruptcy and unemployment. We endorse the statement of Governor Lowden in this conference that so long as we have a protective tariff for the benefit of industry we should give to agriculture corresponding benefits for that portion of the products

of the soil which goes into domestic consumption. We further recommend research by the Government looking to the creation of new outlets in industry for agricultural products. The machinery of Federal land bank loans should be used to refinance farm mortgage debts at low rates of interest.

"WORK FOR THE WORKERS"

8. Work for the workers. With men out of work, as now, the capital structure of the Nation is not only being impaired, but undermined. Willful, wanton, and reckless spending of our people's moneys are likewise undermining the physical assets of our nationals. The vitality and the integrity of our economic laws grow out to the formula of nature's processes. Naturally, there is an economic fraternalism between the farm, industry, and all workers. Working together that great trinity can make, and always will make for the peace, happiness, and an ever-increasing prosperity of all our people. Radicals and reactionaries always have and probably always will make for unbalancing the advantages of the working together of this healthy trinity. It is for this reason the policies of such trouble makers never can prevail to the proving point of such process. The Republican Party, since Lincoln, progressively gave the workingman the full dinner pail, a living wage, and a saving wage. We now pledge ourselves to the encouragement of an economic fraternalism between the trinity of farm, workers, and industry that will enable the workers to earn and receive work for the workers at protective wages.

9. The breaking down of arbitrary restrictions that throttle world commerce, such as quotas and exchanges restrictions. They, and not reasonable tariffs, are the real enemies of world trade.

10. Continued protection to farm and home ownership, and continued provision, in cooperation with State and local governments, for those that are in need until private enterprise absorbs the present army of unemployed. We urge these policies as means of ending the depression. By their adoption the wheels of commerce and industry will begin to turn, and relief rolls will be reduced, the unemployed will find work at fair wages through private enterprise, and hope and happiness will reenter the American home.

EAGLE PASS & PIEDRAS NEGRAS BRIDGE CO.

Mr. WEST. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2326) to authorize the Secretary of War to sell to the Eagle Pass & Piedras Negras Bridge Co. a portion of the Eagle Pass Military Reservation, Tex., and for other purposes.

The Clerk read the title of the bill.

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

Mr. TRUAX. Mr. Speaker, I object.

INTERPARLIAMENTARY UNION

Mr. McREYNOLDS submitted a conference report (Rept. No. 1282) on the bill (S. 2276) to authorize participation by the United States in the Interparliamentary Union.

LIBRARY COMMITTEE

Mr. KELLER. Mr. Speaker, I ask unanimous consent that I may be permitted to make new reports on those bills reported by the Library Committee and to which members of the Claims Committee objected.

The SPEAKER. The gentleman from Illinois asks unanimous consent to submit supplemental reports on various bills reported by his committee. Is there objection?

There was no objection.

A CONGRESSIONAL RECORD DIGEST—EIGHT-PAGE SUMMARY FOR BUSY READERS—DIGEST ON INDEX PLAN PRACTICAL

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

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

There was no objection.

Mr. LUNDEEN. Mr. Speaker, I am informed that the daily RECORD covering the second session of the Seventy-third Congress averaged about 94 pages. Many of us have experienced considerable difficulty in going over a RECORD of this size every day. For some time I have been thinking of the advisability of a daily index to the CONGRESSIONAL RECORD, and I am assured by those who know that it can be done. I would suggest that an 8-page digest of the RECORD be made daily.

DAILY DIGEST AND INDEX NECESSARY

For sometime Members of the House and Senate and other readers have found it impossible to read all of the CONGRESSIONAL RECORD. The 60 RECORDS allotted daily to each Congressman for distribution reach only a small number of his constituents, and only a small percentage of that group find time to read the RECORD.

We can perform a fine educational service by distributing, say, 500 or more copies of an 8-page daily digest to 500 homes in each congressional district of this country. We would not disturb the regular detailed CONGRESSIONAL RECORD. Let that go on as in the past.

OFFICIAL REPORTER'S STAFF TO BE INCREASED TO COVER DIGEST SERVICE

A digest can be prepared from the official transcript, or directly from the debates themselves at the time they occur. Speed would be facilitated by having the RECORD digest reporters on the floor at the time of the debates. A well-trained news reporter might qualify for such a position. If the reporter is uncertain as to the main point of any speech, he can easily determine that by communicating with the Member whose speech he is condensing. I have the assurance of those who are in a position to know, that this service can be performed for the Congress and the public without difficulty.

In past years reporters of great newspapers and news services have occupied chairs at the desk of the House and ably condensed and digested the proceedings day by day. What has been done can be done. We all have long waiting lists for RECORD requests we cannot fill. Suppose you had available tomorrow 500 more copies of a digest of the CONGRESSIONAL RECORD in addition to the regular complete RECORD quota. At once your waiting list is supplied, and you have copies to spare for distribution—this to the great benefit of the general public.

A DAILY CONGRESSIONAL RECORD INDEX

Another project worth considering is the publication of a daily CONGRESSIONAL RECORD index with each publication of the RECORD. RECORDS are now indexed every 2 weeks, and I have found, from my own experience and from talking with other Members of the House that the bimonthly index is not available when we want it. It is good as far as it goes but it is not sufficient. The speeches we wish to locate must be found at once. A daily digest would give us the necessary information in each RECORD from day to day, and for more detailed information on any speech we could refer to the daily index and the complete daily RECORD.

8-PAGE DIGEST PRACTICAL

Members generally agree that the digest should not be over 8 pages. From the Printer's standpoint the condensation should be made in 4, 8, or 16 pages, so that there will be no waste of paper. It might be well to experiment with the digest, having it 8 pages at first, and longer or shorter later on should Members prefer. Any such condensation would save the busy man's time and perform an invaluable service to thousands of citizens who now have no access to the daily proceedings of Congress.

DIGEST AND INDEX PLAN FAVORED BY THE PUBLIC

The office of the Congressional Digest should be in the Capitol Building, in the office of the Official Reporters. After the digest has been completed, the manuscript is delivered to the Government Printing Office and printed the same night, simultaneously with the full RECORD. It will be delivered daily in the same manner our present daily RECORD is now delivered. Our constituents favor this plan. It will aid us in serving the people who elected us to Congress, and congressional information will be carried to a much wider circle of citizens.

I present this matter for the consideration of the Members of the House.

PERMISSION TO ADDRESS THE HOUSE

Mr. REED of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. REED of Illinois. Mr. Speaker, within a few weeks this session of the Seventy-fourth Congress of the United States will pass into history. At times during its life differences of opinion on policies of our National Government have been abundantly expressed in debate on the floor of this House. Few measures have received unanimous approbation. Some have been approved or disapproved by slight

majorities; others by an overwhelming vote of the membership of this body. The success or failure of its major acts will be determined only with the passage of time and, fairly or unfairly, justly or unjustly, partially or impartially, will be passed upon and judged by the American people.

The party in power will be held responsible and either lauded or condemned for its legislative accomplishments. The sins of commission can always be explained; the sins of omission have no defense. This truth applies equally to those affiliated with the majority party and those allied with the minority. While the burden of proposing constructive legislation in a Congress whose Membership is of the same political thought as that of the administration, is as a practical proposition, almost confined to the membership of that conviction, it is within the power and becomes the duty of the minority Members, if they perceive omission or neglect on the part of those in power to provide adequate enactments of law for the benefit of the public generally, to step into the breach and suggest or propose what they think is for the best interests of the Nation. Without going into the merits or demerits of its labors, when this session of the Seventy-fourth Congress adjourns, it will no doubt leave upon the statute books laws affecting agriculture, banks, labor, relief of the unemployed, national defense, war profiteering, and social security.

Up to the present time, however, it has failed to seriously consider the deplorable condition of thousands of small industries located in all parts of the 48 States, Territories, and possessions which before the depression were the lifeblood of our commercial existence. Hundreds of our factories have been forced to close because of their inability to get funds for working capital. Thousands are in need of adequate machinery and equipment. All require rehabilitation of their plants. Loans for these purposes are difficult to obtain through the Reconstruction Finance Corporation and almost impossible through private capital or banks. In the administration of banks our Governments, both State and National, have gone from one extreme to the other. In 1932 our banks were suffering from frozen assets; now they are afflicted with frozen cash. To turn this cash then into the channels of business should be our concern. Idle factories cannot resume operations without the necessary capital, nor can many going concerns continue without financial help. At the present time there is a demand for goods of all kinds, but in order to create markets for them the purchasing power of the people must be increased. The outstanding factor in getting out of this depression is to put men and women back to work where the results of their labor will create wealth. Nonproductive relief is but temporary and not lasting. Relief to idle factories, encouraging them to resume operations on a productive basis will again, in my judgment, start us on our way to create the wealth necessary to provide decent living conditions and some of the luxuries in life to which every American worker is entitled.

Hon. Jesse H. Jones, Chairman of the Reconstruction Finance Corporation, testified before the House Committee on Banking and Currency which was conducting hearings on the bill to extend the functions of that Corporation. In answer to a query as to whether there was not plenty of money in banks to loan to local industry and if they would not lend it if they thought they had a chance to get the money back, he said:

> A bank might feel that a loan is good in time, but commercial banks are not supposed to loan for 3, 4, 5, or 6 years.

Being asked if he thought banks were inclined to invest available money in Federal bonds rather than industry, Mr. Jones said:

> No; they would rather lend it to industry if they could get notes that would justify it, and would not be criticized by the departments supervising them, State or National, and when the borrower might pay it back in a year or two.

On April 15 of this year Secretary of Commerce Roper made public the report on small industries submitted to him by the Business Advisory and Planning Council for the Department of Commerce. After months of study of the small industries situation throughout the country the Council submitted to the Secretary the following specific recommendations:

> The Council strongly recommended an immediate study by the Reconstruction Finance Corporation, Federal Reserve Board, and Securities and Exchange Commission in cooperation with the investment bankers of the country, to the end that facilities be offered sound, small industries for the acquisition of needed capital.

After describing the needs of small industries based on surveys made on behalf of the Council by the Bureau of the Census of the Department of Commerce the report said:

> "With the continued restoration of business activity the need of small industry for intermediate and long-term capital has become increasingly urgent. There seems to be little doubt that a large number of the smaller manufacturing concerns have been able to withstand the effects of the long-drawn-out depression in part through sharp curtailment of expenditures on repairs of building and equipment and in part through the reduction of inventories of raw materials, parts, and supplies to a hand-to-mouth basis. Not only is existing equipment wearing out at a rapid rate, but it is also becoming obsolete. The necessity for buying raw materials, etc., in limited quantities prevents concerns from acquiring them at satisfactory prices. Both factors operate to increase manufacturing costs and to reduce profits.
>
> It is clear that the capital structure of American industry as a whole has been impaired by these and other factors and the ability of the industrial concerns, in particular, to borrow from the banks for working-capital purposes has been correspondingly lowered. In this connection the committee has been greatly impressed by the fact that the bulk of the advances and commitments made by the Federal Reserve banks have been for periods of more than 1 year.
>
> The inability of the smaller concerns to modernize their machinery and equipment explains in no small measure the continued depression in many of the capital-goods industries.
>
> As a matter of fact, long-term financing for small industry has always been difficult. It is not simply a depression problem. Through private investment bankers it has been available only to concerns of sufficient size and standing to warrant the investment banker in bringing out an issue as small as, for instance, $1,000,000. So it may be said this facility has been practically denied to smaller concerns. Such enterprises have been obliged to develop their capital structures gradually out of undistributed capital. They have not received the benefits of recourse to the capital markets for their long-term requirements.
>
> Since small industry plays a very important part in the economic life of the Nation, and since its activities contribute so much to those of the larger plants, it would seem the part of wisdom to provide the smaller, sound industrial concerns with the long-term credit facilities they require. This would make for safer commercial banking as well as for cheaper and better financing for industry as a whole.
>
> This is and should be a natural function of the investment banker acting as the channel for the safe investment of private funds in small enterprises.
>
> At the moment this channel is blocked by the too rigid requirements of the Securities Exchange Act; by a general fear of the future on the part of investment bankers; and by the waiting attitude of the investing public.
>
> The need exists and is of paramount importance to recovery. Mainly it is an investment need rather than a credit need. It should be filled.

Mr. Speaker, having this situation in mind and believing that small industries have been the forgotten man in the maze of legislative proposals offered for the consideration of the present Congress, I have introduced H. R. 8250, which has been referred to the Committee on Banking and Currency. The enactment of this bill will create what shall be known as the "United States Industrial Loan Insurance Corporation" with a capital stock of $1,000,000,000 to be subscribed by the Secretary of the Treasury on behalf of the United States.

The allotment of time during which I am permitted to speak does not permit a detailed explanation of this bill, but, generally speaking, the Corporation will be authorized to guarantee to Federal Reserve banks or State or national banks—whether members of the Federal Reserve System or not—payment of the principal and interest upon notes or evidences of indebtedness held by such bank or banks and issued for industrial purposes, which may be for raw materials, finished products, products in course of production, new equipment, the construction, repair, or remodeling of industrial plants, or additional working capital for such enterprises. The paper issued by any one borrower and covered by guaranties of the Corporation will at no time exceed $500,000, and must mature on or before the expiration of 5 years.

The powers and duties vested in or imposed upon the Corporation will be exercised by its executive officers at the direction of a board of 12 directors. These directors will be appointed by the President of the United States by and with the advice and consent of the Senate. One will be appointed from each Federal Reserve district, and not more than seven shall be members of any one political party. None of the directors will be permitted, directly or indirectly, to engage in banking, the making of loans, or the buying and selling of mortgages, securities, or other evidences of indebtedness, nor may they actively engage in any manner in any other business, vocation, or employment during their incumbency in the office of director of the Corporation. In each Federal Reserve district there will be a technical advisory committee composed of persons who have had at least 10 years of practical industrial executive experience, appointed solely on the basis of merit and without regard to political affiliations, and whose duties will be to investigate and report on all applications for loans and the security therefor, appraise the value of industrial property, the assets, machinery, and equipment of borrowers if necessary, and advise the officers and directors of the Corporation from an impartial standpoint as to the true status of assets, plants, security, orders for goods, accounts receivable, machinery, equipment, or anything of a technical nature which would be beneficial in determining the advisability or inadvisability of guaranteeing the loans of the various applicants.

The board of directors will be required to make an annual report to the President of the United States of the operations of the Corporation and publish from time to time such additional reports of its operations as it deems advisable.

This bill further provides that payments by an industrial concern on the principal of any note or evidence of indebtedness eligible for guaranty by the United States Industrial Loan Insurance Corporation, as well as expenditures not to exceed $500,000 out of surplus earnings for labor or materials for new construction, repairs, remodeling, or equipment of a manufacturing plant, shall be deemed allowable deductible items in determining the net income of such concern under the Revenue Act of 1932.

Mr. Speaker, in my judgment, the enactment of legislation of this character will give hope and encouragement to employers of labor; it will release into circulation idle excess currency now resting peacefully in the vaults of our State and national banks; it will establish permanent credit facilities for small industries; it will promote sounder banking practices and establish cooperation between small banks and small industries; it will enable the latter to modernize their machinery, equipment, and buildings; it will revive the building trades; it will not only provide immediate employment for the unemployed but it will protect the industrial worker who is now employed. In short, this legislation will encourage home production and home consumption. For thousands it will mean jobs, not temporary and irregular, but permanent and lasting. It will help industrial America to help itself.

LEAVE OF ABSENCE

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

To Mr. MILLER, at the request of Mr. DRIVER, indefinitely, on account of physical disability.

To Mr. SEARS, for 1 week, on account of important business.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 7672. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1936, and for other purposes; and

H. J. Res. 147. Joint resolution authorizing the erection of a monument to Grover Cleveland in Washington, D. C.

BILL PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H. J. Res. 147. Joint resolution authorizing the erection of a monument to Grover Cleveland in Washington, D. C.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 6 o'clock and 14 minutes p. m.) the House adjourned to meet, in accordance with its previous order, on Monday, June 24, 1935, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

392. Under clause 2 of rule XXIV, a letter from the Chairman of the Federal Power Commission, transmitting a report on rates charged for electric power in the State of Nevada, was taken from the Speaker's table and referred to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. LLOYD: Committee on the Judiciary. H. R. 8480. A bill to authorize the acquisition of land on McNeil Island; without amendment (Rept. No. 1278). Referred to the Committee of the Whole House on the state of the Union.

Mr. ANDREWS of New York: Committee on Military Affairs. H. R. 3435. A bill to amend section 2 of the act entitled "An act to give war-time rank to retired officers and former officers of the Army, Navy, Marine Corps, and/or Coast Guard of the United States", approved June 21, 1930, so as to prohibit persons who have been subsequently separated from the service under other than honorable conditions from bearing the official title and upon occasions of ceremony wearing the uniform of the highest grade held by them during their war service; without amendment (Rept. No. 1279). Referred to the House Calendar.

Mr. DRIVER: Committee on Rules. House Resolution 273. Resolution for the consideration of H. R. 7349; without amendment (Rept. No. 1280). Referred to the House Calendar.

Mr. LEWIS of Colorado: Committee on Rules. House Resolution 274. Resolution for the consideration of H. R. 8057; without amendment (Rept. No. 1281). Referred to the House Calendar.

Mr. SUMNERS of Texas: Committee on the Judiciary. H. R. 8587. A bill 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; without amendment (Rept. No. 1283). Referred to the House Calendar.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8127) for the relief of Blanche I. Gray; Committee on Claims discharged, and referred to the Committee on Foreign Affairs.

A bill (S. 735) for the relief of Wiener Bank Verein; Committee on Claims discharged, and referred to the Committee on Foreign Affairs.

A bill (H. R. 6393) for the relief of William F. Bourland; Committee on Claims discharged, and referred to the Committee on Indian Affairs.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. BLAND: A bill (H. R. 8597) to amend section 13 of the act of March 4, 1915, entitled "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty

provisions in relation thereto; and to promote safety at sea"; to maintain discipline on shipboard; and for other purposes; to the Committee on Merchant Marine and Fisheries.

Also, a bill (H. R. 8598) to provide for the inspection and regulation of vessels engaged in the transportation of inflammable, explosive, and like dangerous cargoes in navigable waters of the United States; to the Committee on Merchant Marine and Fisheries.

Also, a bill (H. R. 8599) to provide for a change in the designation of the Bureau of Navigation and Steamboat Inspection, to create a Marine Casualty Investigation Board and increase efficiency in administration of the steamboat inspection laws, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. COLLINS: A bill (H. R. 8600) to authorize and direct the Secretary of the Interior to make a lease for the Agua Caliente or Palm Springs Band of Mission Indians of California; to the Committee on Indian Affairs.

By Mr. ROGERS of Oklahoma (by departmental request): A bill (H. R. 8601) to provide for the enrollment of Indians of the Klamath Indian Reservation in the State of Oregon, and for other purposes; to the Committee on Indian Affairs.

By Mr. STUBBS: A bill (H. R. 8602) making it illegal to employ any alien while there are American citizens unemployed, who are qualified, able, and willing to work, and fixing the penalty for willful and knowing violation thereof; to the Committee on Labor.

By Mr. HARTER: A bill (H. R. 8603) to foster industry and fair competition, to promote and encourage employment, and to prevent the dumping of foreign merchandise on the markets of the United States; to the Committee on Ways and Means.

By Mr. HUDDLESTON: A bill (H. R. 8604) to extend the times for commencing and completing the construction of a bridge and causeway across the water between the mainland at or near Cedar Point and Dauphin Island, Ala.; to the Committee on Interstate and Foreign Commerce.

By Mr. KRAMER: A bill (H. R. 8605) to abolish interest on loans to veterans secured by adjusted-compensation certificates, and for other purposes; to the Committee on Ways and Means.

By Mr. DOCKWEILER: A bill (H. R. 8606) to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees of the classified civil service, and for other purposes', approved May 22, 1920, and 'acts in amendment thereof'", approved July 3, 1926, and May 29, 1930; to the Committee on the Civil Service.

By Mr. GEHRMANN: A bill (H. R. 8607) providing for payment to the State of Wisconsin for its swamp lands within all Indian reservations in that State; to the Committee on Indian Affairs.

By Mr. SCHNEIDER: A bill (H. R. 8608) to require that 70 percent of the grain used in manufacture of beer sold in the District of Columbia be barley malt; to the Committee on the District of Columbia.

By Mr. SCHAEFER: A bill (H. R. 8609) authorizing the county of St. Clair, in the State of Illinois, and the State of Illinois, or either of them, to construct, maintain, and operate a toll bridge across the Mississippi River at or near a point on Broadway between Florida and Mullanphy Streets in the city of St. Louis, Mo., and a point opposite thereto in the town of Stites, in the county of St. Clair, State of Illinois, and connecting with St. Clair Avenue Extended in said town; to the Committee on Interstate and Foreign Commerce.

By Mr. STEAGALL: A bill (H. R. 8610) to amend section 5219 of the Revised Statutes, as amended; to the Committee on Banking and Currency.

By Mr. STARNES: A bill (H. R. 8616) to establish an Alien Registration Board in the Department of Labor, to ascertain the status of foreign-born persons in the United States, to safeguard the status of registered foreign-born persons in the United States who are found to be entitled to be here, to grant temporary permission to persons held subject to deportation for them to leave without expense to the United States, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. MITCHELL of Tennessee: A bill (H. R. 8617) restricting the appointment of employees by Members of Congress, the President, the Vice President, Cabinet members, Judges of the Supreme Court, Federal judges, and other Government employees in certain cases; to the Committee on Expenditures in the Executive Departments.

By Mr. GASQUE: Joint resolution (H. J. Res. 333) to amend the Emergency Relief Appropriation Act of 1935 to authorize grants to community hospitals; to the Committee on Appropriations.

By Mr. DICKSTEIN: Resolution (H. Res. 271) to authorize an investigation of smuggling of aliens into the United States and a study of the land-border patrol of the Immigration Service; to the Committee on Rules.

Also, resolution (H. Res. 272) to authorize the study of existing laws and preparation of separate codes of laws relating to (1) immigration, (2) deportation, (3) naturalization, and (4) expatriation; to the Committee on Rules.

By Mr. McLAUGHLIN: Joint resolution (H. J. Res. 332) to provide an additional period of time within which to file applications for loans under the Home Owners' Loan Act of 1933; to the Committee on Banking and Currency.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of New York, regarding the gasoline tax; to the Committee on Ways and Means.

Also, a memorial of the Legislature of the State of New York, regarding Old Champlain Canal; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of New York, regarding the antilynching bill; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of New York, regarding unemployment insurance; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of New York, regarding immigration legislation; to the Committee on Immigration and Naturalization.

Also, memorial of the Legislature of the State of New York, regarding Pulaski Memorial Day; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of New York, regarding a pension for George S. Ward; to the Committee on Pensions.

Also, memorial of the Legislature of the State of New York, regarding the regulation of transportation in interstate commerce; to the Committee on Interstate and Foreign Commerce.

Also, memorials of the Legislature of the State of New York; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. DORSEY: A bill (H. R. 8611) granting a pension to Henrietta V. W. Owen; to the Committee on Pensions.

By Mr. DRISCOLL: A bill (H. R. 8612) granting an increase of pension to Mary E. Fultz; to the Committee on Invalid Pensions.

By Mr. GUYER: A bill (H. R. 8613) for the relief of Isham Franklin; to the Committee on Military Affairs.

By Mr. HARTLEY: A bill (H. R. 8614) for the relief of the Bolinross Chemical Co.; to the Committee on Claims.

By Mr. SUMNERS of Texas: A bill (H. R. 8615) to authorize and direct the Secretary of the Treasury to transfer certain moneys to "Funds of Federal prisoners"; 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:

8942. By Mr. ANDREWS of New York: Petition of the Legislature of the State of New York favoring the repeal of

the charter of the North River Bridge Co. in Public Act 350, Sixty-seventh Congress, 1922; to the Committee on Interstate and Foreign Commerce.

8943. Also, petition of the Legislature of the State of New York, favoring necessary legislation and cooperation of Public Works Administration for construction of freight tunnel between the States of New York and New Jersey; to the Committee on Interstate and Foreign Commerce.

8944. Also, petition of the State of New York, urging legislation to make Columbus Day a national holiday; to the Committee on the Judiciary.

8945. Also, petition of the Legislature of the State of New York, urging legislation for the benefit of the milk and dairy industry; to the Committee on Interstate and Foreign Commerce.

8946. Also, petition of the State of New York urging passage of Rudd bill (H. R. 6); to the Committee on the Post Office and Post Roads.

8947. By Mr. GOODWIN: Petition of William H. Pretsch and others, of the city of Kingston, N. Y., and vicinity, protesting against the words "devices" and "treatment" in definition of the word "drug" being included in the Copeland Federal Food and Drug Act, Senate file 5; to the Committee on Interstate and Foreign Commerce.

8948. Also, petition of the Legislature of the State of New York, urging allocation of funds by Secretary Ickes for slum clearance in Borough of Brooklyn, N. Y.; to the Committee on Ways and Means.

8949. Also, petition of the Legislature of the State of New York, urging enactment of legislation to humanize immigration laws for reuniting persons and families; to the Committee on Immigration and Naturalization.

8950. Also, petition of the Legislature of the State of New York, urging legislation for the relief of George S. Ward, a citizen of New York; to the Committee on Claims.

8951. Also, petition of the Legislature of the State of New York, urging repeal of current taxes on sales of gasoline; to the Committee on Ways and Means.

8952. Also, petition of the Legislature of the State of New York, favoring legislation to commemorate General Pulaski's birthday; to the Committee on the Judiciary.

8953. Also, petition of the Legislature of the State of New York, referring to legislation for regulation in interstate commerce by motor carriers; to the Committee on Interstate and Foreign Commerce.

8954. Also, petition of the Legislature of the State of New York, recommending public works for the benefit of the city of Cohoes, N. Y.; to the Committee on Ways and Means.

8955. Also, petition of the Legislature of the State of New York, favoring passage of the social-security bill; to the Committee on Ways and Means.

8956. Also, petition of the Legislature of the State of New York, urging legislation to prevent lynching; to the Committee on the Judiciary.

8957. By Mr. MURDOCK: Resolution of the Utah State Federation of Labor Executive Council, urging the reestablishment of silver as full legal-tender money of the United States at its par or face value; to the Committee on Coinage, Weights, and Measures.

8958. By Mr. TOLAN: Memorial of the Legislature of the State of California to the President and the Congress of the United States, to enact House bill 6628, which proposes to provide remunerative employment for the blind citizens of the United States and its possessions, and urging the Committee on Labor of the House of Representatives to expedite consideration favorable to said bill; to the Committee on Labor.

8959. Also, memorial of the State Legislature of California, requesting the President and the Congress to enact Senate bill 1952, which proposes to protect the unclassified postal employees people, extending to them a civil-service status; to the Committee on the Civil Service.

8960. Also, memorial of the Legislature of the State of California, urging the Congress of the United States to enact House bill 5359, by Mr. FORD of California, which provides for the creation of a National Civil Academy; to the Committee on Education.

8961. Also, memorial of the Legislature of the State of California, urging the Committee on Labor of the House of Representatives of the United States to expedite favorable consideration of House bill 468, by Mr. RANDOLPH, which proposes the rehabilitation of employable blind citizens of the United States; to the Committee on Labor.

8962. By Mr. TRUAX: Petition of the Open Hearth Lodge, No. 148, A. A. I. S. and T. W., Warren, Ohio, by their corresponding representative, Harry Cavender, urging support of the Wagner labor-disputes bill; to the Committee on Labor.

8963. Also, petition of the Milk Drivers and Dairy Employees, Local Union 361, Toledo, Ohio, by their business agent, E. J. Haumesser, urging support of the graduated tax on cigarettes; to the Committee on Ways and Means.

8964. Also, petition of Mahoning Lodge, No. 177, Amalgamated Association of Iron, Steel, and Tin Workers, Niles, Ohio, by their secretary, R. D. Selway, urging support of the Wagner labor-disputes bill; to the Committee on Labor.

8965. Also, petition of Millinery Workers Union Local, No. 44, Cleveland, Ohio, by their secretary, Agnes Willison, urging support of the Wagner labor-disputes bill, the Black 30-hour-week bill, the Guffey coal-regulation bill, and the Mead bill; to the Committee on Labor.

SENATE

SATURDAY, JUNE 22, 1935

(Legislative day of Monday, May 13, 1935)

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

THE JOURNAL

On request of Mr. BANKHEAD, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, June 21, 1935, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled 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, and it was signed by the Vice President.

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

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

Mr. VANDENBERG. I announce the unavoidable absence of my colleague the senior Senator from Michigan [Mr. COUZENS] on account of illness, and ask that the announcement stand for the day.

Mr. DIETERICH. I announce the unavoidable absence of my colleague the senior Senator from Illinois [Mr. LEWIS].

Mr. NORRIS. I desire to announce the unavoidable absence from the city of the senior Senator from Wisconsin [Mr. LA FOLLETTE], and I hope this announcement may stand for the day.