Lakes, in Delaware, Otsego, Chenango, Broome, Tioga, Madison, Cortland, Steuben, Yates, Ontario, Schuyler, Cayuga, Seneca, Tompkins, and Chemung Counties, N. Y., with a view to the controlling of floods; to the Committee on Flood Control.

By Mr. McSWAIN (by request): A bill (H. R. 8817) fixing the computation of travel distances; to the Committee on Military Affairs.

By Mr. SMITH of Washington: A bill (H. R. 8818) to provide for the construction of a post-office building at South Bend, Wash.; to the Committee on Public Buildings and Grounds.

By Mr. WARREN: A bill (H. R. 8819) to amend the Agricultural Adjustment Act to make all varieties of potatoes included in the species Solanum tuberosum a basic agricultural commodity, to raise revenue by imposing a tax on the first sale of such potatoes, and for other purposes; to the Committee on Agriculture.

By Mr. REED of Illinois: A bill (H. R. 8820) to amend section 907 of the Code of Law for the District of Columbia, approved March 3, 1901, as amended up to and including June 7, 1924; to the Committee on the District of Columbia.

Also, a bill (H. R. 8821) to define the crime of bribery and to provide for its punishment; to the Committee on the District of Columbia.

By Mr. COLDEN: A bill (H. R. 8822) to amend the act of February 16, 1889, as amended, relating to disposition of useless papers; to the Committee on the Disposition of Executive Papers.

By Mr. DICKSTEIN: Resolution (H. Res. 293) to authorize an investigation of un-American propaganda and un-American activities, and for other purposes; to the Committee on Rules.

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 Louisiana; to the Committee on Flood Control.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BRUNNER: A bill (H. R. 8823) for the relief of Edith Jordan; to the Committee on Claims.

By Mr. BOYLAN: A bill (H. R. 8824) for the relief of the estate of John Gellatly, deceased, and/or Charlyne Gellatly, individually; to the Committee on the Judiciary.

By Mr. CROSSER of Ohio: A bill (H. R. 8825) granting a pension to Mary A. Fairchilds; to the Committee on Pensions.

By Mr. CROWTHER: A bill (H. R. 8826) for the relief of Edward H. Karg; to the Committee on Claims.

By Mr. GRAY of Pennsylvania: A bill (H. R. 8827) granting a pension to James Y. Bowser; to the Committee on Pensions.

By Mr. PETERSON of Florida: A bill (H. R. 8828) granting a pension to Kathryn E. Fraley; to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

9129. By Mr. SNELL: Petition of various citizens in northern New York, urging adoption of constitutional amendment "Except in the event of an invasion of the United States or its territorial possessions and attack upon its citizens residing therein, the authority of Congress to declare war shall not become effective until confirmed by a majority of all votes cast thereon in a Nation-wide referendum. Congress may by law provide for the enforcement of this section"; to the Committee on the Judiciary.

9130. By Mr. TRUAX: Petition of Valley Builders Supply Co., Cincinnati, Ohio, opposing the plan of Admiral Peoples, Relief Administration, which intends to purchase all materials direct from producers, as they believe this would entail expense of handling materials by the Government and would affect thousands of men and millions of invested capital in the industry; to the Committee on Labor.

9131. Also, petition of the Toledo Chamber of Commerce, Toledo, Ohio, by their transportation commissioner, opposing Senate bill 2944, which would prevent and make unlawful the practice of law before the governmental departments, bureaus, commissions, and their agencies, by those other than licensed attorneys at law; to the Committee on the Judiciary.

9132. Also, petition of E. C. Shafer, of Mansfield, and numerous other members of Union Grange, Richland County, Ohio, urging support of the Townsend revolving pension plan; to the Committee on Ways and Means.

9133. Also, petition of the Young Men's Christian Association, Canton, Ohio, by their recording secretary, F. M. Broda, urging that the youth of their community, State, and Nation are entitled to immediate consideration as applicants for employment upon the Federal works project; to the Committee on Labor.

9134. Also, petition of the Young Men's Christian Association, Canton, Ohio, by their recording secretary, F. M. Broda, resolving that their organization and other private agencies whose record of service for youth has stood the test of time and experience are entitled to participate in the public-works projects on the same footings as public departments, wherever such projects are justified on the grounds of public service and public policy; to the Committee on Labor.

9135. Also, petition of Dan T. Wolfe, in behalf of many people in the Mississippi Valley whose homes and farm lands were destroyed 5 years ago by the Government engineers in executing the Flood Control Act of 1928, urging support of Mr. Wilson's "levee set-back" bill (H. R. 7349); to the Committee on Flood Control.

9136. Also, petition of the Lorain County Democratic Executive Committee, by Howard J. Cobb, chairman, urging modification of the President's $1,400 highway ruling to include the equivalent of work for one man for 1 year directly or indirectly employed; to the Committee on Labor.

9137. Also, petition of the Central Dairy Producers Council, by J. R. Smart, president, Columbus, Ohio, urging defeat of the Kleberg bill and the enactment of such legislation as will place at least a 5-percent tax per pound on all oleomargarine; to the Committee on Ways and Means.

9138. Also petition of the council and officials of the city of Wellsburg, Brooke County, W. Va., by their mayor, Charles F. McGlumphy, asking careful consideration for and favorable action on the Wellsburg bridge bill, listed as no. 247 on the Consent Calendar; to the Committee on Interstate and Foreign Commerce.

9139. By Mr. WIGGLESWORTH: Petition of Wollaston Mothers Club, Quincy, Mass., urging the enactment of House bill 6472, providing for the abolition of compulsory block booking and blind selling of moving-picture films; to the Committee on Interstate and Foreign Commerce.

SENATE

FRIDAY, JULY 12, 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 motion of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, July 11, 1935, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. LEWIS. I suggest the absence of a quorum and ask for a roll call.

The VICE PRESIDENT. The clerk will call the roll.

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

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

Mr. VANDENBERG. I again announce that my colleague the senior Senator from Michigan [Mr. COUZENS] is absent because of illness.

The VICE PRESIDENT. Ninety-two Senators have answered to their names. A quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its reading clerks, announced that the House had passed without amendment the bill (S. 2779) to authorize the conveyance of certain lands in Nome, Alaska.

The message also announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 2566. An act for the relief of Percy C. Wright; and

H. R. 5393. An act for the relief of Moses Israel.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 4410. An act granting a renewal of Patent No. 54296 relating to the badge of the American Legion;

H. R. 4413. An act granting a renewal of Patent No. 55398 relating to the badge of the American Legion Auxiliary; and

H. R. 7882. An act to authorize the incorporated city of Anchorage, Alaska, to construct a municipal building and purchase and install a modern telephone exchange, and for such purposes to issue bonds in any sum not exceeding $75,000; and to authorize said city to accept grants of money to aid it in financing any public works.

CLOSING OF MILITARY ROAD AT WASHINGTON-HOOVER AIRPORT

The VICE PRESIDENT laid before the Senate a letter signed by Harry H. Woodring, Assistant Secretary of War; Harllee Branch, Second Assistant Postmaster General; and Eugene L. Vidal, Director Bureau of Air Commerce, being an informal interdepartmental committee appointed by the Secretary of War, the Postmaster General, and the Secretary of Commerce to study the traffic situation at the Washington-Hoover Airport and to make recommendations looking to the elimination or reduction of existing hazards, favoring the prompt enactment of the joint resolution (H. J. Res. 330) to close Military Road temporarily, which, with the accompanying papers, was referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of the State of Louisiana, which was referred to the Committee on Commerce:

House Concurrent Resolution 6

Whereas the amended United States flood-control bill, as prepared by the Chief of Engineers of the United States Army, and which is now being considered by the United States Flood Control Committee of the House of Representatives, will be, when enacted into law, of such vast benefit to the alluvial sections of the State of Louisiana, and is so much more acceptable to the citizens of this State than the existing United States Flood Control Act: Therefore be it

Resolved by the Legislature of Louisiana (the house of representatives and the senate thereof concurring herein), That the United States Flood Control Committee of the House of Representatives be urged to speed its deliberations and report this bill out favorably and promptly, so that there may be no uncertainty of congressional action at this session of Congress; be it further

Resolved, That a copy of this resolution be forwarded to the United States Senators of the State of Louisiana, the Congressmen of the State of Louisiana, and further, a copy to the Speaker of the National Congress, and to the Vice President of the United States.

The VICE PRESIDENT also laid before the Senate a resolution adopted by a mass meeting held under the auspices of the American League of Ex-Servicemen, New York City, N. Y., favoring the prompt enactment of House bill 8365, providing for the immediate full cash payment of the so-called "soldiers' bonus", which was ordered to lie on the table.

He also laid before the Senate a resolution adopted by a mass meeting held under the auspices of the American League of Ex-Servicemen, New York City, N. Y., favoring the prompt repeal of the so-called "Economy Act" for the benefit of World War veterans, which was ordered to lie on the table.

He also laid before the Senate a resolution adopted by a mass meeting held under the auspices of the American League of Ex-Servicemen, New York City, N. Y., favoring the prompt enactment of social and unemployment insurance legislation, which was ordered to lie on the table.

He also laid before the Senate a resolution adopted by a mass meeting held under the auspices of the American League of Ex-Servicemen, New York City, N. Y., protesting against the publication of an article in the New York American, on June 9, 1935, by Rear Admiral Yates Stirling, Jr., Commandant of the Brooklyn Navy Yard, allegedly advocating the making of war against the Soviet Union, and favoring the removal of such officer, which was ordered to lie on the table.

Mr. CAPPER presented petitions of sundry citizens of Fort Scott, Wauneta, and Greensburg, all in the State of Kansas, praying for the enactment of legislation to establish a retirement system for railroad employees, which were referred to the Committee on Interstate Commerce.

FEDERAL TAXATION ON DISTILLED SPIRITS

Mr. BARBOUR. Mr. President, I ask consent to have printed in full in the RECORD, and appropriately referred, copy of a joint resolution adopted by the New Jersey State Legislature, memorializing Congress to reduce Federal taxes on distilled spirits.

The resolution was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Joint Resolution 14

Joint resolution memorializing the President and Congress of the United States to reduce taxes on distilled spirits and requesting Congress to call a conference between its representatives and representatives of the several States to consider the proper relationship between Federal and State taxes on alcoholic beverages

Whereas despite the repeal of the eighteenth amendment and the enactment by the several States of statutes regulating the manufacture, sale, and distribution of alcoholic beverages, the racketeer and bootlegger continue to flourish; and

Whereas investigation and study by the New Jersey State Commissioner of Alcoholic Beverage Control have resulted in the conviction that present excessive taxes are the major cause of illicit alcoholic beverage activity and that it is essential that the tremendous incentive resulting therefrom be withdrawn to insure the elimination of the racketeer and bootlegger: Therefore be it

Resolved by the Senate and General Assembly of the State of New Jersey:

1. That the President and Congress of the United States are hereby memorialized to reduce the present Federal taxes on distilled spirits.

2. That the Congress of the United States is hereby requested to call a conference between its representatives and representatives of the several States to consider the proper relationship between Federal and State taxes on alcoholic beverages.

3. That a copy of this resolution be transmitted to the President and Vice President of the United States, the Speaker of the House of Representatives, and each Member of the Senate and House of Representatives of the United States from the State of New Jersey.

4. This joint resolution shall take effect immediately.

REPORTS OF COMMITTEES

Mr. SCHWELLENBACH, from the Committee on Claims, to which was referred the bill (S. 2697) for the relief of the United Pocahontas Coal Co., Crumpler, W. Va., reported it

without amendment and submitted a report (No. 1073) thereon.

Mr. McADOO, from the Committee on Patents, to which were referred the following bills, reported them each without amendment:

H. R. 4410. A bill granting a renewal of Patent No. 54296, relating to the badge of the American Legion; and

H. R. 4413. A bill granting a renewal of Patent No. 55398, relating to the badge of the American Legion Auxiliary.

Mr. DUFFY, from the Committee on Military Affairs, to which was referred the bill (H. R. 3558) for the relief of Capt. Walter S. Bramble, reported it without amendment and submitted a report (No. 1074) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (H. R. 1073) for the relief of John F. Hatfield, reported it without amendment and submitted a report (No. 1075) thereon.

Mr. FLETCHER, from the Committee on Banking and Currency, to which was referred the bill (S. 3123) to provide for the relief of public-school districts and other public-school authorities, and for other purposes, reported it without amendment and submitted a report (No. 1076) thereon.

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on the 11th instant that committee presented to the President of the United States the following enrolled bills:

S. 1206. An act authorizing the transfer of certain lands near Vallejo, Calif., from the United States Housing Corporation to the Navy Department for naval purposes;

S. 2230. An act to authorize the Secretary of the Navy to acquire a suitable site at Pearl Harbor, Territory of Hawaii, for a rear range light;

S. 2378. An act authorizing the Secretary of the Navy to accept on behalf of the United States a bequest of certain personal property of the late Dr. Malcolm Storer, of Boston, Mass.;

S. 2846. An act authorizing the Secretary of the Navy to accept on behalf of the United States the devise and bequest of real and personal property of the late Paul E. McDonnold, passed assistant surgeon with the rank of lieutenant commander, Medical Corps, United States Navy, retired; and

S. 2966. An act to empower the Legislature of the Territory of Hawaii to authorize the issuance of revenue bonds, to authorize the city and county of Honolulu to issue flood-control bonds, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nominations of sundry officers for appointment in the Regular Army.

Mr. TRAMMELL, from the Committee on Naval Affairs, reported favorably the nominations of sundry officers in the Marine Corps.

Mr. KING, from the Committee on the Judiciary, reported favorably the nomination of John Dickinson, of Pennsylvania, to be an Assistant Attorney General, vice Harold M. Stephens, appointed Assistant to the Attorney General.

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

He also, from the same committee, reported adversely the nomination of Andrew J. Roper to be postmaster at Saltillo, Miss.

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

BILLS INTRODUCED

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

By Mr. McNARY:

A bill (S. 3244) relating to the Oregon-Washington Bridge Board of Trustees; and

A bill (S. 3245) to extend the times for commencing and completing the construction of a bridge across the Columbia River at Astoria, Clatsop County, Oreg.; to the Committee on Commerce.

By Mr. WAGNER:

A bill (S. 3246) granting a pension and relief to Mary H. Denison; to the Committee on Pensions.

Mr. GEORGE. I ask leave to introduce a bill conferring upon the Administrator of Public Works the power to make compensation to States, counties, and cities in lieu of taxes in certain instances, and I ask that it be referred to the proper committee.

The VICE PRESIDENT. Without objection, the bill will be received and appropriately referred.

By Mr. GEORGE:

A bill (S. 3247) to amend title II of the National Industrial Recovery Act as amended by the Emergency Appropriation Act, fiscal year 1935, and as extended by the Emergency Relief Appropriation Act of 1935; to the Committee on Finance.

By Mr. LEWIS:

A bill (S. 3248) to improve the Government services, and for other purposes; to the Committee on Civil Service.

(By request.) A bill (S. 3249) to create an Industrial Commission on Negro Affairs; to the Committee on the Judiciary.

By Mr. HATCH:

A bill (S. 3250) to prohibit the acquisition by the United States of any land located in any State without the consent of such State; to the Committee on Public Lands and Surveys.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 4410. An act granting a renewal of Patent No. 54296 relating to the badge of the American Legion; and

H. R. 4413. An act granting a renewal of Patent No. 55398 relating to the badge of the American Legion Auxiliary; to the Committee on Patents.

H. R. 7882. An act to authorize the incorporated city of Anchorage, Alaska, to construct a municipal building and purchase and install a modern telephone exchange, and for such purposes to issue bonds in any sum not exceeding $75,000; and to authorize said city to accept grants of money to aid it in financing any public works; to the Committee on Territories and Insular Affairs.

AGRICULTURAL ADJUSTMENT ADMINISTRATION—AMENDMENTS

Mr. GUFFEY and Mr. MOORE each submitted an amendment, and Mr. LONERGAN and Mr. RUSSELL each submitted two amendments, intended to be proposed by them, respectively, to the bill (H. R. 8492) to amend the Agricultural Adjustment Act, and for other purposes, which were severally ordered to lie on the table and to be printed.

AMENDMENT TO SECOND DEFICIENCY APPROPRIATION BILL

Mr. HAYDEN submitted an amendment intended to be proposed by him to House bill 8554, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 47, line 6, at the end of the section, to insert a colon and the following proviso:

Provided, That expenditures out of sums gratuitously appropriated by Congress made prior to the date of the law, treaty, agreement, or Executive order under which the claims arise shall not be offset against the claims or claim asserted and expenditures under the act of June 18, 1934 (48 Stat. L., p. 984), shall not be charged as offsets against any claim on behalf of an Indian tribe or tribes now pending in the Court of Claims or hereafter filed.

POST-OFFICE FIXTURES, EQUIPMENT, AND RENTALS

Mr. McKELLAR submitted the following resolution (S. Res. 169), which was referred to the Committee on Post Offices and Post Roads:

Resolved, That the Committee on Post Offices and Post Roads of the Senate, or any duly authorized subcommittee thereof, shall, during the recess of the Congress, examine into the matter of fixtures and equipment in post offices and rentals therefor, and all

other questions pertaining thereto, the expenses incurred in pursuance thereof, not to exceed $3,000, to be paid from the contingent fund of the Senate.

ADMINISTRATION OF JUSTICE IN THE COURTS

Mr. McADOO submitted the following resolution (S. Res. 170), which was referred to the Committee on the Judiciary:

Resolved, That in addition to the authority conferred upon the Special Committee of the Senate to Investigate the Administration of Receivership and Bankruptcy Proceedings in the Courts of the United States, created under Senate Resolution No. 78, Seventy-third Congress, first session, agreed to June 13, 1933, and supplemented by Senate Resolution No. 72, Seventy-fourth Congress, first session, agreed to February 15, 1935, said committee shall have authority to make a full and complete investigation of the administration of justice in the courts of the United States. The Department of Justice is requested to furnish to the committee such investigators and legal assistants as the committee may require in its investigation.

AGRICULTURAL ADJUSTMENT ADMINISTRATION—ADDRESS BY SENATOR BANKHEAD

Mr. BYRNES. Mr. President, on July 11, in the city of Washington, the junior Senator from Alabama [Mr. BANKHEAD] delivered a very interesting and pursuasive radio address on the subject of the Agricultural Adjustment Administration, familiarly known as the "three A's." In the course of the address he said:

The public is now hearing much about the propaganda engaged in, in opposition to the utility holding company bill. It has not been informed about the extensive and wide-spread propaganda which has been carried on since this Congress met by handlers, processors, and distributors of farm commodities. Members of Congress know, however, how their mail has been filled with protests from people who knew nothing about the provisions of the pending bill, but who had been led to believe that it directly touched their business. Any investigation of propaganda relating to congressional legislation should by all means include a thorough scrutiny of the efforts made and money expended by interested persons who have been diligently striving to create adverse sentiment against the bill amending the Agricultural Adjustment Act. The identity of these persons should be disclosed and the public given full information on the subject.

Further on he said:

In my judgment, the Agricultural Adjustment Act is the outstanding piece of legislation, from the standpoint of beneficial administration, that Congress has enacted during my service in the Senate.

I commend this address to the attention of my colleagues. I ask that the entire address be printed in the RECORD at this point as part of my remarks.

There being no objection, the address delivered by Hon. JOHN H. BANKHEAD, United States Senator from Alabama, over N. B. C. National Forum, Washington, D. C., July 11, 1935, was ordered to be printed in the RECORD, as follows:

During this session of Congress the Agricultural Adjustment Administration, familiarly known as the "three A's", has been under a steady fire from its enemies. A microscopic examination of all phases of its activities has been publicly conducted. An exhaustive search has been made to find weak spots.

The public is now hearing much about the propaganda engaged in, in opposition to the utility holding company bill. It has not been informed about the extensive and wide-spread propaganda which has been carried on since this Congress met, by handlers, processors, and distributors of farm commodities. Members of Congress know, however, how their mail has been filled with protests from people who knew nothing about the provisions of the pending bill, but who had been led to believe that it directly touched their business. Any investigation of propaganda relating to congressional legislation should by all means include a thorough scrutiny of the efforts made and money expended by interested persons who have been diligently striving to create adverse sentiment against the bill amending the Agricultural Adjustment Act. The identity of these persons should be disclosed, and the public given full information on the subject.

Attempts have been made to array industrial workers against farm workers. Partisan critics have insisted that the rise of prices in farm commodities which has resulted from programs administered by the A. A. A. constitute a burden upon industrial workers. Farmers have not protested against higher priced industrial commodities as an improper burden upon them. They demand and are entitled to the same consideration. Farmers realize that industrial workers need good wages to enable them to buy farm products. Everybody understands that shorter hours, higher wages, and so-called "fair trade practices" by industries have increased prices paid by consumers, including the farmers. Without fair prices, farmers, constituting 25 percent of our population, cannot do their normal part in supporting industry, and in enabling industry to provide employment at fair wages.

The welfare of the farmers depends upon the ability of industrial workers to buy farm products. Regular employment of industrial workers at good wages depends upon the ability of the farmers to pay for industrial products and services. There is a relation of interdependence between these two major groups of producers. The efforts of politicians, self-styled pro bono advisers and critics, to array farm workers and industrial workers against each other have miserably failed. It is pleasing to note that the horrible loss, in purchasing and debt-paying power during the great depression, of 30,000,000 people upon the farms of our country has brought most of our industrialists to an acute realization of the sad plight of agriculture and of the dire necessity of remedial measures for the financial rescue of the farmers. There has not been, there is not now, a complete accord on what are the best methods to accomplish that result.

Constructive criticism is helpful and welcomed by those in positions of responsibility and power. But destructive objections are obnoxious. When the Agricultural Adjustment Act was passed there were many doubting Thomases both in Congress and out. In the entire history of America no comprehensive plan had been tendered to the farmers to aid them collectively in adjusting supply to consumptive demands.

During the World War and the post-war boom period, while large credits were being extended to foreign countries to buy our surplus farm crops, cultivated acreage had been expanded by the millions of acres, machinery for more production per acre had been widely acquired on the farms, and production of basic commodities largely in excess of normal domestic requirements became the established order of things. When the cruel crash came in 1929 domestic consumption greatly decreased, and within a few years foreign trade almost vanished.

Farm production, however, continued at capacity levels. By 1932 a carry-over of 360,000,000 bushels of wheat and 9,000,000 bales of cotton had accumulated. Wheat went from $1.25 to 35 cents a bushel, cotton from 20 cents to 5 cents a pound. Corn went down to 10 cents a bushel. Six million farmers scattered over the hills and valleys, across the plains, and on opposite sides of the great rivers and mountains were dazed and bewildered. A great financial disaster had descended upon them.

A wheat or cotton farmer reasoned that all the wheat or cotton his farm could produce at prevailing bankrupt prices would not bring him over 25 percent of his former income, and his income had been entirely too low for some years. He felt that he should produce as much as was possible on his farm. He knew his fellow farmers would produce all they could for the same reason. There was no way for the millions of farmers to get together to consider the state of their affairs and agree upon adjustment programs. They had no machinery for controlling aggregate farm production, such as the United States Steel and other industrial corporations have through their stockholders and boards of directors and executive officers for the control of their production.

While industry discharged millions of employees and caused them to go on public relief rolls in order to adjust supply to demand, the farmers continued to toil long hours, producing the full capacity of the farms, and selling their year's yield at poverty prices.

Landlords, out of a spirit of loyalty and faithfulness to their tenants, continued to advance to them the credit and equipment necessary to make crops. Many farms were under mortgage when the depression started, and mortgages were placed upon many other farms. As a necessary condition for keeping the farms in operation, this wide-spread financial difficulty applied both to farms occupied by their owners and farms occupied by tenants. Everywhere in the agricultural sections newspapers were filled with notices of foreclosures, and as a result many thousands of farmers who owned their farms were translated into tenants, while thousands of landlords lost their farms.

With conditions so alarming, it is not strange that an agrarian revolt was in evidence in many sections. The Government, through the Farm Credit Agency, saved for the owners several hundred thousand farms through new credit facilities with a lower rate of interest and at generously protracted installment payments.

It was recognized, however, that pay day must come. With the prevailing prices of farm commodities, the day of reckoning was merely being postponed. The fundamental thing to do was to bring about, if possible, an increase in farm prices comparable with the prices of industrial commodities, or, expressed in other words, to arrange for parity prices.

As the result of such a change in the earning power of the farmers, it was plain that the farmers would be advanced to a position where it could be reasonably expected they would meet their obligations.

This administration was convinced from the beginning that the depression could not be overcome until agriculture, constituting such a large part of the consumers of America, had been financially rescued.

Then came the passage of the Agricultural Adjustment Act, and with it the dawning of a new and better day for American agriculture. Machinery was provided for effective cooperative programs by producers of the basic commodities through crop adjustments and for the producers of specialty crops through marketing agreements. There was much resistance to the passage of this act. It was new in the domain of legislation and of practical administration. I recall that some of my colleagues in the Senate who voted for it did so with great reluctance. Others could not see their way clear to vote for the bill. There existed a feeling that farmers, notoriously individualistic, would not cooperate in voluntary adjustment plans in sufficient numbers to accomplish the desired results.

There was fear of too much opposition from those for whose welfare it was intended. Some of these same colleagues, after observing the operations of the Agricultural Adjustment Administration for the past 2 years, are now enthusiastic supporters of the act.

If anyone doubts the beneficial results of this new lease on farm life, let him examine the record from the standpoint of increased farm income and from the attitude of the farmers. Wheat has advanced in price from 35 to 90 cents, cotton from 5 to 12 cents, corn from 10 to 80 cents, hogs from 2 to 10 cents, flue-cured tobacco from 11.6 to 27.3 cents, burley tobacco from 12.5 to 16.9 cents, and rice from 39.1 to 77.5 cents. Specialty crops have in the main had splendid increases in prices. The Nation's cash farm income rose from $4,328,000,000 in 1932 to $6,090,000,000 in 1934.

The attitude of the farmers is clearly demonstrated by votes cast in recent referenda to ascertain whether the producers favored continuance of adjustment programs. The votes were as follows: Cotton, 1,361,347 for, 160,540 against. Kerr-Smith Tobacco Act, 370,907 for, 23,633 against. Flue-cured tobacco program, 184,755 for, 3,408 against. Corn hogs, 389,139 for, 190,577 against. Wheat, 404,270 for, 62,291 against. Grand total, 2,430,418 for, 440,379 against.

The chief opposition to the A. A. A. has grown out of the processing tax. The division on that subject is similar to the controversy that has raged for more than 100 years over the protective tariff tax. The farmers have paid the tariff tax on industrial commodities while basic farm commodities have been sold at world prices. The processing tax is a countervailing compensatory tax for the protection of the farmers. It now appears clear that any party which favors taking the benefits of the processing tax away from the farmers will not hereafter have their support, regardless of former political affiliations.

The recent self-styled "grass-roots convention" evidently granted that fact. The name adopted was an apt one. From newspaper accounts about the volunteer delegates composing the convention, it appears to have been an assembly of politicians who are not acquainted with the practice of destroying grass roots. If left to their efforts, grass roots would be the principal crop on all farms.

It is certain that the delegates were politicians, and good ones. After much preliminary ballyhooing against everything the administration has done the convention, guided by the advice of older heads, in effect endorsed the Agricultural Adjustment Administration.

With the farmers overwhelmingly favoring its continuance, with the Democratic Party favoring it, and the first big assembly of Republican politicians acquiescing, it appears certain that the A. A. A. is here to stay.

The present law is not perfect. Congress, in framing the act, was traveling a new road. In farming parlance, new ground was being plowed. Difficulties and obstructions have been encountered in putting administratively practical programs, national and regional, in operation. That was to be expected. No one could anticipate perfection in such a comprehensive and far-flung effort.

With all the wisdom accorded by history to the framers of our Constitution, it should be remembered that 10 amendments were shortly adopted, and 11 more have been added to meet the evolution of social and economic progress.

Congress is now considering a bill amending the original Agricultural Adjustment Act in order to strengthen weak spots that have developed in its administration and to make whatever changes are deemed necessary to avoid legalistic and technical difficulties in line with the recent decision of the Supreme Court. The original bill authorized the Secretary to put under license the handlers and processors of specialty crops such as vegetables and fruits. The present bill eliminates all authority in the Secretary to use the licensing power. It substitutes, in lieu of that plan, marketing agreements to prevent unfair trade practices, and authorizes the Secretary to issue orders to cease and desist. In the same fashion power is now exercised over industries by the Federal Trade Commission. Any handler or processor who feels that his rights have been violated by such an order is given the right to test the issue in the courts.

Marketing agreements are put in operation only upon the request of 75 percent of the producers in the region involved, and may be terminated at any time by the request of 50 percent of such producers. This program is intended to bring about orderly marketing of the crop involved. It is intended to avoid an excessive flow to a given market in a way that has so frequently resulted in prices insufficient to pay the freight or express from the farm to the market. This plan has been in operation for the last 2 years and has resulted, in numerous instances, in splendid benefits for the producers. However, the best results in many cases have not been obtained because of the resistance of handlers and distributors and frequently because of interference through a resort to the courts. It is believed by the supporters of the pending bill that many of the obstructions and difficulties that have heretofore prevailed will be eliminated.

While farmers are still greatly burdened with the debts saddled upon them by the former loss of debt-paying power, an overwhelming majority of them are looking to the future with new hope and with splendid courage. We hear nothing now about farmers mobbing judges when they render decrees foreclosing mortgages. The Agricultural Adjustment Administration has pointed the way to a better and fairer part in the national income for the producers of the food and the raw material for clothing all the people of our country.

Those who doubted the cooperation of the farmers did not truly appraise their spirit and their understanding of the effect of the age-old law of supply and demand. When given the opportunity to make that rule operate in their favor instead of against them, farmers gladly seized the opportunity and are now moving in harmony toward a better day in agricultural life.

The bill amending the Agricultural Adjustment Act, now pending before the Senate, has for its primary purpose bringing the original act clearly and definitely in line with the Supreme Court decision in the N. R. A. case. The question of delegation of power to levy a processing tax is settled by the pending bill. Congress in the exercise of its taxing power is now directly levying the tax and ratifying what its agent, the Secretary of Agriculture, has done on that subject.

A large number of processors and packers have begun suits to enjoin collection of the tax and are also demanding a refund of taxes heretofore voluntarily paid. It is a well-known fact that the taxes in nearly all instances have been deducted from producers' prices or passed on to consumers.

Representatives of some of the packers testified recently before the Senate Committee on Agriculture and Forestry that the hog tax was deducted from the price paid the farmers for the hogs. The processing tax on cotton and wheat has been generally included in the price paid by consumers. Notwithstanding this situation, a number of processors and packers, after deducting the tax at one end of their transactions or collecting it at the other end, are now attempting to enrich themselves by trying to get the taxes as a profit out of the United States Treasury. Be it said to the credit of the big packers and most of the cotton and flour mills that they have not attempted a raid of that kind.

Those who succeed in getting the taxes back, if any do, may expect the most searching examination of their books and business before any money is repaid to them, and they may also expect countless suits by producers from whom it is claimed to have been deducted, and by merchants who have paid the tax when buying the processed commodities. The pending bill, if passed, will avoid unjustified raids on the Treasury and will at the same time prevent a great multiplicity of recovery suits by producers and merchants.

No opposition to the bill from farmers has manifested itself. The principal objectors are a vociferous group of handlers of the fruits of the farmers' labor. They are concerned about the quantity handled and object to any restrictions, however necessary they may be, to avoid glutting the markets and destroying farm prices.

These minorities, whose business is based solely upon handling farm commodities, should not be permitted to wreck or weaken a program which is confessedly highly advantageous to the great mass of farmers and their families. To that group of processors, packers, and distributors, who have gone along with the program and who have gracefully submitted to the new order as presented by the A. A. A., the farmers owe a debt of gratitude.

By friendly cooperation and mutual understanding and helpfulness, all interests will in the long run be benefited.

Mr. Chester C. Davis, Administrator of the A. A. A., is doing a great job in a splendid way. In a remarkable fashion, he possesses the confidence of Members of Congress who have had contacts with him.

In my judgment, the Agricultural Adjustment Act is the outstanding piece of legislation, from the standpoint of beneficial administration, that Congress has enacted during my service in the Senate.

EDUCATION AND THE GENERAL WELFARE—ADDRESS BY SENATOR COSTIGAN

Mr. LA FOLLETTE. Mr. President, on July 2, at Denver, Colo., the senior Senator from that State [Mr. COSTIGAN] delivered an able and interesting address to the National Education Association on Education and the General Welfare. I ask unanimous consent that the address may be printed in the CONGRESSIONAL RECORD.

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

As a Colorado official, with a somewhat roving commission, I ask leave to repeat our State's hospitable welcome to every present visitor. We rejoice with you over the inspired messages of this memorable convention. Your influence will be cherished when you have scattered to your homes. Our majestic mountains, living streams, and fertile plains—symbolizing freedom and achievement as fully as do the seven seas—have recorded and will often echo your eloquence and wisdom.

Our greetings, too, are not solely for this visible audience. Our hearts are also warm toward the vital, unseen spirits of your splendid predecessors in the world of education. Among them are those who, many years ago, took our young hands in theirs and, with sensitive, guiding care, made us their deathless debtors. Those teachers of other days unlocked for us life's doors of knowledge and character. Nor are these bonds all that unite us. As sons and daughters of this State's pioneers—whose faith in education was only second to their love for their children—we see in you prophetic forerunners of civilization's ultimate universe of mind, heart, and spirit. You are the chosen spokesman of unfolding destiny, and for that reason I have hurried here from a crowded and contentious National Senate to pay tribute to you as educators and to American education. Surely, in these times, as never before, you of the scholars' forum and we of legislative halls, should counsel on policies, cooperating, without the slightest trace

of partisan or other self-seeking, to solve the blended and supreme problems of education and public welfare.

It is unnecessary to discuss in this presence the intimate relation between education and the general welfare. By education presumably we mean the full development, fit for practical use, of our human faculties and powers; by the general welfare the harmonizing of all those faculties and powers, aided by nature's inexhaustible resources, for the common good. If that fairly states the basic elements, then life is all and education is all but all. This great continent is well adapted to be the beneficiary of the costly experiments of old-world successes and failures, including the lessons taught by such great periods of human unrest and effort as the crusades, the Renaissance, the Reformation, and various revolutionary upheavals. As a country we still have the chance, by using educational forces, to emerge purified as gold without passing through the furnace of feverish human experiences. We are still offered a matchless opportunity to combine under government the planting of education and the peaceful harvest of general welfare in self-governing life.

A half dozen years ago a gathering like this might have been reasonably satisfied by eulogies on the traditional greatness of America. It was customary in those days to glory over this country's limitless wealth of natural resources, the sturdy and tested qualities of our diversified, adaptable, and relatively well-educated people and the idealism of America, which draws us all onward in the name of freedom and equality under law. No longer are we so easily satisfied. Today, without minimizing the force and value of that old attitude, we face the future less confident of our triumphant leadership, more informed about unhappy human facts behind our former facade of amazing but deceptive prosperity, more humble under the chastening blows of adverse years, and at times alarmed over the insecurity of America and even the future of civilization. Who longer can dispute our sound reasons for concern? Our own generation has seen a world as peaceful as that by which the sun rose and set today, rush senselessly into fratricidal war, which drew to it, as the flame the moth, nations, including our own, wholly remote from its causes. Today, in spite of pious pledges to peace—and no people have more sincerely given that pledge than America—nations which have not learned to conquer peace and fortify it for human happiness are again arming as if determined to mutliply human misery by precipitating other wars that can only make future peace unendurable and future human happiness all but impossible.

As if our daily problems were not sufficiently overwhelming, without complicating them with international violence! In our own day we have, what we began years before, though since 1929 the problem has expanded beyond all prophecy—millions of unemployed men and women in this country—among them, strangely enough, an army of educators. We have also had countless families in this land of wealth living below the level of decent subsistence and reaching the end of life propertyless; innumerable children toiling for miserable wages in place of adults who are unable to secure any employment whatever; the old a burden on the young and without reserves or socially-provided care on which to build self-respect or to cushion their forgotten loneliness. We are tried, too, as a people by tax burdens seriously increased by the World War. Yet we emerged from that conflict after doing little more than touch its boundaries of confiscated or destroyed property, incredible cruelities, and lost lives. We entered that war with reluctance; we look back on it now with regret. And we see, as never before, that our participation in future wars is certain to be sought with equal or larger provocation, and, unless education and morality can direct a sufficiently wide area of public opinion, our children and their children are doomed to far more tragic and treacherous disasters in a world of shrinking economic possibilities than our generation has visioned for America.

Let us, for the sake of balanced judgment, draw on historical perspective and compare such a modern State as ours, the richest and most favored of our time, with self-governing Greece 24 centuries ago. Greece in the golden hours of Pericles was a country relatively insignificant in size and power. Nevertheless, it was then so transcendent in intelligence and resourcefulness that its leaders expressed little concern over a possible end to its glory. Even its standards of human worth were startlingly like ours. At the close of the Peloponnesian War, Pericles voiced an exultation over the merits of the Athenian State and the secret springs of Greek genius which recalls nothing so much as the confidence in our form of government immortally phrased by Lincoln in his Gettysburg address. A chastened humility has properly made American leadership less confident in more recent years. Pericles in the ancient world, in language that fits our conception of America, praised the freedom of Athens, inherited from generations of Greek ancestors. He contrasted liberty-loving Athens with militaristic Sparta, where education glorified discipline above all other virtues, and with Corinth, stamped with the degeneracy of a land "where men care only for riches."

To Pericles, even as to Washington, Jefferson, Jackson, Lincoln, Wilson, and Roosevelt, deeds were more important than words; good spirits surpassed all material equipment for battle; minds nourished by free principles outran all advantages of military rigor; love of beauty without extravagance and wisdom without unmanliness were exalted; suffering was preferred to weakness and honor, and achievement outranked wealth. Above all, Pericles emphasized the uselessness to Greece of citizens who did not participate in public life, thereby superbly stressing the importance of treating private and public duties as inseparable.

It is well to revive such a picture of an earlier, worth-while civilization. Grecian contributions of that brilliant age vitally persist today. Not to look further, we do them homage in the commanding architecture of our new Supreme Court Building and the Lincoln Monument in our National Capital. Let us not forget, however, that deficiencies in Greek education undermined Greece; Greek civilization rested, not to look further, on false attitudes toward women and the forced involuntary servitude of those who do the manual work of the world. Looking back, it is perfectly apparent that Greek civilization was doomed, despite its dazzling brilliance, if only because it was built on human slavery, wholly without reference to the striking circumstance that Greek intelligence was hardly more than an island in a wide sea, or a pioneer clearing among the forests, of a largely barbarian world. Nor, though the international scene has greatly changed, can anyone doubt that, with all its world leadership, its immense resources of men and nature, its incomparably sounder economic foundations than those of Greece, America must rally all that education can contribute to natural resources, native talent, and common sense, if our civilization, like that of Greece, is eventually not to become a closed chapter in world history?

We started well. From the beginning of our national life, public leaders have been friends of education. Jefferson, the father of modern democracy, in one of his most noted declarations, the sincerity of which was attested by his years of devotion to founding the University of Virginia, insisted that no people can be ignorant and remain free. Webster considered our practice of universal education the chief glory of the Union. With the approval of these and other leaders—themselves educators in their several ways, and aided by other educators in all branches of professional and informed American life—we have had, in every generation and all regions since our Nation was formed, progressive educational development directed toward equal opportunities for all who care to draw near the light of intelligence. Thus we began, and have ever since maintained, in no little measure without Federal aid, our American school system, for the most part close to and supported by local public opinion. Accordingly, our educational system has been fed and enriched from the springs of popular understanding and conviction. Our fundamental aim has been to establish and promote the agencies and instruments of free and universal education. In so doing, we have sought to reverse Gray's Elegy by creating a land in which there shall be no "mute, inglorious Miltons", no hidden Hampdens, no concealed Cromwells, no artists denied the right to wake the world to living ecstacy. Instead, despite all handicaps, we have striven to keep in constant view trained citizens, contributing to their country their full measure of natural and instructed talents.

In education, however, as in other fields, change is the law of life. Our world moves, and, moving, is transformed. We, therefore, find ourselves today with an American educational system properly and widely rooted in popular support, yet increasingly dependent, as are other national activities, on scientific and material help from our National Government. Even in the past, Federal aid has been an important factor in the evolution of our public schools. Land grants to States for educational purposes have provided over large areas basic subsidies to support a successful and expanding educational system, and more recently, with some necessary Federal supervision over expenditures, vocational education has been widely and systematically extended by the aid of Federal contributions.

No doubt these tendencies will continue and increase, as promises to be true with respect to aid to the unemployed directly and through public works. This is the more true because many contrasted parts of our country are less prosperous than others, and our Federal system of taxation serves as an equalizer of our divergent wealth and needs. Science and invention, equally with economic forces, pass State lines without the slightest consciousness of impediments, and the Nation more and more becomes the unit of our common life. National power correspondingly grows with national expansion, even though it draws its strength from all local and individual sources. In a period of tragic economic stress, early in my Senate experience, I discovered that such admirable agencies of earlier days as the Red Cross and community chests were unprepared, without fault of their own, to meet adequately our unforeseen national emergencies. Modern life is startlingly complex. Its economic crises often spread universally and rapidly, as the last 6 years particularly illustrate. In such hours we must, without hesitation, enlist national powers and resources if we are to avoid national disaster.

Accordingly, as already suggested, we find in the modern world peace-time necessities which match in importance and magnitude the issues of war. Without depreciating the significance of local units, it is certain that our fathers obeyed a sound, fundamental instinct when they sacrificed all to save the Union as the indispensable guaranty of a reasonable and contented world for them and their descendants. Today we realize as never before how tragic the lot of vast multitudes of our people would be if they were scattered through separate States devoid of a national federation.

It should be easy, as a sequel to the welfare experiments of the last 2 years, to agree on at least a partial program of national aid to State and local educational agencies based upon such sobering facts about school conditions as the following: We have about one-fourth of the population of the country, pupils and teachers—28 million persons, not counting beyond elementary and secondary schools—in one way or another actively associated with public education; practical and vocational needs constantly expanding; an ever-pressing problem to provide an adequate teaching force to

deal with individual students; 200,000 teachers at present wholly unemployed; a much larger number of teachers not receiving remuneration for a substantial portion of the regular teaching period; a host of children of school age receiving far less than full-time education; about 5 million pupils occupying unsafe or insanitary rural schools; and compensation for teachers deplorably below the level of proper subsistence, with about one-third receiving approximately $750 per year and about two-fifths less than $1,000 per year. In other words, on the material side, school buildings are today inadequate in number and frequently neither safe nor sanitary, and suitable textbooks are often unavailable; and, on the side of mental training, pupils are at a sad disadvantage educationally in many parts of America because of the restricted number of teachers, the small compensation many of them receive, and the corresponding lack of dignity and leadership suffered by a profession which is discounted because it is ill-rewarded and left without the stimulus which comes from proven public appreciation of the importance of the task teachers discharge.

Already certain constructive efforts on a Nation-wide scale to free educators from economic difficulties and widen the opportunities for pupils are urgently and federally required. Not only pupils, but teachers also, should be given the largest possible opportunities for liberal training as part of the gratifying development of a science of education. The priceless possibilities of children must be concretely affirmed in enlarged privileges during years of sensitive and responsive growth, alike in school equipment and inspiration from those who guide awakening minds. Our Nation should lend the stimulus of appropriations to States and localities under conditions which will reasonably promote the great ends in view. America should hold itself ready to do regularly for education what heretofore it has done spasmodically. It should be prepared to sacrifice, if need be, lesser values for the illimitable possibilities of a future of wholly free and thoroughly sound popular education.

In support of these necessary steps I bring you assurances that many progressive leaders in public life stand ready to assist and will prove helpfully responsive to any well-conceived, human program of Federal aid to education which your united authority is prepared to recommend.

Certainly we ought to be able, without further argument, to agree on such minimum Federal steps as these:

First. Grants-in-aid by the Federal Government to States, where necessary, for free public education designed to liberalize and equalize opportunities for teachers and students, without undermining traditions of wholesome local school control and direction. As suggested, this does not mean the sacrifice, but rather the strengthening, of values which have long marked our school system. Undoubtedly today reasonable Federal contributions are needed to keep sound local forces alive and effectively functioning. The precedents already set by federally donated lands for State schools and Federal grants in aid of vocational education—not to mention the Nation's experiment with public works, State relief grants, and our public-roads policy—demonstrate the adaptability, with safeguards for uniform standards and decentralized management, of a Federal-State program.

Second. Nation-wide insistence on minimum school facilities and attendance for a period of from 8 to 9 months of every school year.

Third. Teachers in all schools adequately trained and fairly compensated for their professional responsibilities.

Fourth. Safe, healthful, and modern schools in all parts of the United States, with proper school and mechanical equipment, including suitable textbooks available to all pupils.

In undertaking these and other experiments in education, as in government, we must have, of course, a sane and natural merger of State and Federal activities, with broad opportunities for effective local agencies, side by side with the beneficial stimulus flowing from our national living principles and destiny. If America is fairly to follow the path of its logical development, we must continue the values of our interwoven local and national educational system. The significance of the task justifies us in demanding from those who benefit by such an educational program both personal development and dedication to community welfare. We are all partners in building and perpetuating our country and contemporary civilization. The modern world, through education and aroused morality, if it is to pay its debt to the past, must steadily eliminate such fatal flaws as weakened and wrecked earlier governmental experiments. This can be done as always by substituting good for bad and better for worse, by widely distributing educational resources and opportunities for national human life, and by modern invention and scientific achievements which override the demands of human selfishness by insistence on universal brotherhood.

We are aided in all such efforts by those subtle forces of the universe that keep alive, despite all odds, beauty, virtue, and truth. We have, too, the support of nature's latent and reborn life and powers. Recognizing the imperfections of any individual contribution, we refuse to accept any education which claims to be "finished." We demand, instead, a better and more progressive humanity, inspired by our world's evolutionary plan. We adopt Professor Breasted's conclusion that man throughout history has followed, and must continue to follow, "a rising trail."

What I have been trying in part to express or imply is the wisdom of the old Athenian message that all citizens, teachers, and students alike should have, or acquire, and faithfully perpetuate a living interest and participation in public affairs. Perhaps it is natural, in view of my own activities, that I should conclude that no other test of truly educated men or women is so final or unerring as that of active and effective citizenship. Our Nation's ideals of a perfect Union, established justice, insured domestic tranquillity, provision for the common defense, and assured general welfare must stand or fall with education. There is no substitute. If I am to be permitted to leave with you one remembered word, it is that. Happily in so saying, I do not speak either presumptuously or as a voice crying in the wilderness. Others with higher educational authority than mine, leaders in your profession, have not failed to speak in candid criticism of the economic, social, and political failures of the modern world as the product of defective education. Indeed, educators have spoken as frankly of the shortcomings of their magnificent profession as have prophets of the practice of divine religion. They know and you know—though the fault rests in some degree on all of us who in our separate spheres contribute to the educated mind—that when civilization has failed education has failed, and by the same token when civilization has succeeded education has triumphed. It may be added, with equal confidence, that when the America our forefathers planned shall have succeeded in establishing sound political and industrial equality and self-government, and in utilizing the resources of this continent for the general welfare, American education will have come to its own. Either way, whether our banners rise or fall, the major responsibility must in the long run be borne by American educators in every walk of life.

In what has been thus far said, it has been assumed that there will be little difficulty in agreeing on a modest beginning of a national effort to underwrite the improvement and renovation of our American educational system. The purpose is to adapt that system to our rapidly changing civilization and to fit the youth of a new generation to take their proper place in the front ranks of priceless living citizenship. If it be argued that, in so doing, we are cutting across inherited traditions and experiences, the answer is that the New World makes new attitudes unavoidable. We must remember that we have, under State and Federal Constitutions, both State and National citizenship. We must, accordingly, educate every new generation to meet its new responsibilities. Educational leadership will certainly not oppose the common-sense view that Nation and States can only coexist in harmonious efficiency if we continue, through education, to promote equipment for essential services and the general welfare. If we fail to achieve those ends by reason of conflicts between limited respective jurisdictions, the General Government will surely find public opinion rallying to endow the Nation with ample authority to grapple with important problems which States, by reason of limited territorial authority, are admittedly unable to control.

Recently in Washington an important decision of the United States Supreme Court has been interpreted by some as revitalizing the authority of States to deal with problems within their borders, and as excluding the Federal Government from legislating on subjects not obviously interstate in nature and effect. That decision has temporarily involved in chaos the far-reaching Federal experiment of the National Industrial Recovery Act of 1933, which had increased employment, raised wages, largely abolished child labor, and at least substituted a form of industrial planning for previous industrial planlessness. The decision has also clouded with confusion the assumed authority of the Federal Government to legislate effectively on Nation-wide industrial problems. Uncertainty is added by the fact that not many years ago the United States Supreme Court likewise denied to States the right, among other activities, to fix minimum wages, even for women workers who are especially handicapped in bargaining with employers, or otherwise secure wages for work assuring a decent level of subsistence. It has similarly become apparent that some States, seeking industrial advantages over others, by the employment of children and other cheap labor, have brought us face to face with competitive national problems which can be solved, if at all, only by uniform national legislation.

It follows that if the Supreme Court adheres to such precedents we must, soon or late, decide whether this Nation can afford to ignore resulting human tragedies, or by constitutional amendment is to secure enlarged power enabling it to legislate for proper and indispensable national objectives. Indeed, a constitutional crisis may be approaching in America similar to those stirring historical controversies, which in the past have taken the Nation into new legislative paths and have given it new constitutional guaranties of human rights and liberties. We have long rejoiced over the immortal 10 first amendments to the Federal Constitution. They are our personal Bill of Rights. With their inspired safeguards before us, if the denial of flexibility to the Federal Constitution continues, we may soon be called upon to write other amendments to our Constitution, defining the standards of an economic bill of rights.

To many it will be startling to discover that we are being driven into the crosscurrents and delays of amendments to the Federal Constitution. It has long been the boast of liberal leaders of the American bench and bar that, under the present powers of the Constitution, authority may be found enabling our Nation boldly and with originality to experiment for the general welfare. On that reasonable and happy constitutional theory Congress enacted much humane legislation between 1933 and the present hour. However, the recent unanimous decision of the Supreme Court indicates a regrettably inflexible change of judicial mood. Indeed, many qualified constitutional lawyers view that decision as nothing less than one of those legislative declarations of our highest judicial tribunal, which in the past have proven vital turning points in history.

The justification of nationally uniform and often humane legislation, which, from time to time, has thus been halted by unex-

pected judicial construction, is to be found in the essential purposes—including the general-welfare clause—of our Federal Constitution. In an address in November 1787 before the Pennsylvania Convention, which was elected to consider the adoption of our American Federal Constitution, James Wilson, one of the ablest of the Constitution's framers, gave the following as his view of the merger under the Constitution of State and National authority:

"Whatever object of government is confined, in its operation and effects, within the bounds of a particular State, should be considered as belonging to the government of the State; whatever object of government extends, in its operation or effects, beyond the bounds of a particular State, should be considered as belonging to the Government of the United States."

We have even higher authority. Our hero-worshipers are making us forget that George Washington was a great forward-looking liberal, who smashed precedents at will. Virginia was the first State to act on the proposal to call the Convention at Philadelphia, which wrote our Federal Constitution. The Journal of James Madison discloses that George Washington headed the Virginia delegation which took a leading part in the work of that Convention. That delegation was specially instructed by the General Assembly of Virginia "to join—in devising and discussing all such alterations and farther provisions as may be necessary to render the Federal Constitution adequate to the exigencies of the Union. * * *" The Virginia delegation, undoubtedly with the approval of George Washington, subsequently submitted proposals for the consideration of the Philadelphia Convention, including the declaration that "the National Legislature ought to be empowered to enjoy the legislative rights vested in Congress by the confederation and moreover to legislate in all cases in which the separate States are incompetent or in which the harmony of the United States may be interrupted by the exercise of individual legislation. * * *" Thus we discover the incomparable name and approval of George Washington behind a liberal interpretation of the intent of the enumerated powers granted Congress by the Constitution. Here is but part of the persuasive evidence in the proceedings of the Constitutional Convention of Washington's far-sighted view that Congress was designed to be free, within expressed and implied constitutional grants, to legislate in behalf of general well-being in the United States in all cases where the States, acting separately, are unable to cope with national problems.

These expressions of our forefathers are but other ways of declaring that this Nation should be equipped to deal, in peace as in war, with all pervasive problems of the general welfare which cannot be solved by State action. It was the failure to act on that assumption which resulted in the sword of Civil War carving into the body of our Federal Constitution its thirteenth, fourteenth, and fifteenth amendments.

Is it not evident that the best assurances of the survival of our self-governing institutions lies in minds which place rights and duties beyond the temptation of profit; and which insist at all cost on free discussion, religious liberty, a free press, the right of free assemblage, fair trials, and other priceless guarantees of our Bill of Rights, as well as the industrial democracy which is the inevitable, modern sequence of those earlier assertations of individual liberty and equality? We must never forget that the framers of the Constitution provided the authority to adopt constitutional amendments. In this connection, let us recall that the Federal Constitution went into effect on March 4, 1789, and that on September 25, 1789—little more than 6 months later—Members of the First Congress, under the Constitution and the Presidency of George Washington, showed their readiness to use the amendatory method by submitting to the States 12 amendments, 10 of which were subsequently ratified by the original States, have ever since been retained, and are today known to the world as "the American Bill of Rights."

The founders of the American Union were well aware that free government, like free education, must be subject to change; that the ultimate governmental issue in the world is between flexible popular rule and ever-encroaching inflexible dictatorships; and that only under popular sovereignty, with the aid of expanding education, can life be permanently desirable and liberated from the threats of ever-increasing tyranny, under which the alternatives for human beings are submission to arbitrary rule, revolt, or suicidal wars. Equally important to bear in mind is the truth that, under free government, education forever leads those who teach and those who learn toward illimitable horizons of science, literature, free utterance and criticism, and triumphant fraternity. Soon or late it will be apparent that our world's progressive evolution discards the evils of one age to make way for the glories of another.

Fortunately, we are an adaptable and practical people, and there can be little doubt that, in the long run, we shall continue to advance with reasoned judgment along the highways of necessary national authority, in the exercise of which our final security must be guaranteed by government of, by, and for the people. Certainly, in that forward drive, we can do no harm by adopting, through constitutional amendments Federal authority, favored by George Washington, adequate to meet national problems and serve the whole Nation's well-being. Thus, from the largest to the least governmental units, the Federal-State plan of the founders of our system of government will rule the length and breadth of the land, giving assurances of a mighty destiny in which education will accept as its highest duty the support of the general welfare.

REGULATION OF HOLDING COMPANIES

Mr. BONE. Mr. President, I ask unanimous consent to have printed in the RECORD two brief editorial observations of the Philadelphia Record of July 11, 1935, the first dealing with the pending utilities bill, and the second discussing the attitude of the reactionary newspapers toward the President of the United States.

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

[From the Philadelphia Record of July 11, 1935]

AS THOUSANDS DO NOT CHEER

The holding companies are still celebrating their great victory for the little investor in the House defeat of the Wheeler-Rayburn bill "death clause."

Unfortunate that a sour note should zoom over the horizon to annoy the celebrants.

In New York Federal District Court Monday, 23,000 little investors in Insulll holding-company securities were denied the right to recover $30,000,000, represented by securities which Insull pledged with a group of New York banks.

These little investors believed what they read on their debenture certificates—or what they thought they read:

"In Insull Utility Investment Corporation 'covenants' not to pledge 'any of its assets without securing the debenture holders equally, except for short-term loans in the usual course of business.'"

But the court ruled that when Insull put up $30,000,000 worth of the good securities of his operating companies—the real assets behind these debentures—he was merely obtaining a loan "in the usual course of business."

In other words, the "covenant" was worthless. It didn't mean a thing, even back in 1929.

How tragic that the power lobby wasn't on hand then to protect the right of the little investors.

DAMNED IF HE DOES, DAMNED IF HE DOESN'T

On one thing the reactionary newspapers of the United States are agreed:

That whatever Mr. Roosevelt does—it's wrong.

Two years ago the Record warned the President that no matter what he did, no matter how conciliatory he might wish to be, he couldn't please the Tories, because the Tories would simply refuse to be pleased.

Last week the New York Herald Tribune, commenting on the Wheeler-Rayburn bill, denounced Mr. Roosevelt as a President "who has so lost his sense of perspective as to try to assume dictatorial powers over Congress."

This week the New York Herald Tribune, commenting on the Roosevelt tax program, denounces the President for "passing the buck" to the House Ways and Means Committee as to how much the new taxes should raise. And it adds: "Beyond the very general recommendations contained in the President's message, the administration refuses to be of assistance. * * *"

Damned as a dictator yesterday.

Damned for lack of leadership today.

Commenting on the holding-company bill, the Philadelphia Inquirer upheld the House for "defending the rights of the people from destruction by Presidential command."

Now, speaking of the tax bill, the Inquirer declares that "Secretary Morgenthau refuses to be headed in any definite direction, and he leaves the situation as much in the fog as ever."

Had the President demanded that Congress raise a specific sum, say, $500,000,000—

The Tories now would be denouncing him for interfering with the legislative prerogatives of the House of Representatives.

Mr. Roosevelt is damned if he does, damned if he doesn't.

The Tories stick to their theme song:

"No matter what it is, we're against it."

AGRICULTURAL ADJUSTMENT ADMINISTRATION

The Senate resumed the consideration of the bill (H. R. 8492) to amend the Agricultural Adjustment Act, and for other purposes.

The VICE PRESIDENT. The clerk will state the first committee amendment passed over.

The first committee amendment passed over was, in section 5, paragraph (2), page 11, line 4, after the word "apples", to strike out "and not including fruits for canning."

The VICE PRESIDENT. Without objection, the amendment is——

Mr. COPELAND. Mr. President, I hope this amendment will not be acted upon quite so speedily. The people in my section of the country are anxious to have the House language restored, and I think there is abundant reason why it should be restored. I do not happen to be prepared today to discuss it at great length, but there are those here who

desire to do so. I know that my seat mate, the Senator from Georgia [Mr. GEORGE], is very much interested in this amendment, and is anxious to have the House language restored. I notice that the Senator from California [Mr. JOHNSON] is on his feet.

Mr. SMITH. Mr. President, will the Senator from New York allow me time to make an explanation?

Mr. COPELAND. I yield.

Mr. SMITH. I suppose there was no subject in the bill that was more thoroughly discussed than was this one. Fruits are more or less perennials. Orchards are of yearly production without replanting and without the ordinary methods necessary in cultivating an annual crop. It was evident to the committee that the canning of fruits was as much a part of their marketing as was selling them in the fresh state. The fact is it was brought to the attention of the committee that perhaps at times the major portion of the fruits which are produced, such as peaches, apricots, apples, and other fruits, are used in canning. Therefore, if the object of this bill is to create such a condition as will give the producer the opportunity to have a price which will enable him to receive a return somewhat approximating the profits which are made by the processors, his market should be taken care of, and we cannot leave one half the product unregulated and the other half regulated. We must either do away with any attempt to have the fruit market regulated or we have got to put both fruits used for canning and fresh fruits in the same category.

I think before the consideration of this paragraph shall have been concluded I will offer an amendment putting vegetables in the same category in which the Senate committee put fruits.

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

Mr. SMITH. I do.

Mr. LOGAN. I note what the Senator says, but, so far as tobacco is concerned, with the processing tax imposed on the firm or corporation or individual manufacturing tobacco and yet the individual farmer allowed to sell his natural-leaf tobacco to the consumer without the processing tax at all, it interferes very seriously with those who manufacture twist tobacco and other natural-leaf products. Has the Senator given or did the committee give any consideration to that question?

Mr. SMITH. I think that is the first time my attention has been called to any situation where the farmer was manufacturing his own tobacco.

Mr. LOGAN. The farmer is allowed to sell his leaf tobacco to the consumers. The farmers are organized and doing that throughout the tobacco district. They sell the tobacco to those who want to use the natural leaf. The manufactured twist tobacco has to pay a processing tax. The farmer who can sell his own tobacco to the consumer does it without a processing tax.

Mr. SMITH. Does the Senator mean the one who uses it for chewing or smoking gets it direct from the farmer and uses it in the unmanufactured and raw state?

Mr. LOGAN. Absolutely that is what I mean to say, and that is done very extensively.

Mr. SMITH. I never heard of it before.

Mr. LOGAN. It is done very extensively, and the manufacturers of twist and other natural-leaf products are making very serious complaint.

Mr. COPELAND. Mr. President, I may state that my seat mate, the Senator from Georgia [Mr. GEORGE], who is necessarily absent at the moment, is very much interested in this item. It has been suggested to me by the Senator from California [Mr. JOHNSON], and others who are interested, that perhaps the Senator from South Carolina would allow this item to go over for an hour or two.

Mr. MCNARY. Mr. President, I hope the Senators now engaged in conversation will speak loudly enough for us over here to understand what is taking place.

Mr. SMITH. The Senator from New York has made request that this amendment, which I had hoped might be disposed of, may go over for an hour or two. If there is no objection, I am agreeable that it shall be passed over temporarily.

The VICE PRESIDENT. The Chair understands the Senator from South Carolina to ask unanimous consent that the amendment which has just been stated may go over for 1 hour. Is there objection?

The Chair hears none, and it is so ordered.

Mr. KING. Mr. President, while we are in this subject, I should like to ask the Senator from South Carolina, the chairman of the committee, for information with reference to fruits which are perishable, such as peaches, plums, apricots, and all kinds of berries. Upon what theory can or should they be made subject to the terms of the bill? I cannot fathom the regulations which would be put into effect and the orders which would be submitted which would deal with such perishable products.

Mr. SMITH. It was the impression of the committee that of all producers in America who really ought to have aid, those whose products are perishable should be given consideration. The Senator must be familiar with the fact that watermelons, with which product I am somewhat familiar, have been shipped from time to time in carload lots to the great metropolitan centers. After a lapse of time, in many cases, the producer would get a freight bill back with the statement that the watermelons did not sell for sufficient to pay the freight. In other words, he gave someone a carload of watermelons and paid a bonus to have them take the melons.

I know that in my own community a certain individual some years ago started to raise artichokes for pickling purposes. Being a thrifty individual, he went to New York and engaged them at $5 a barrel. He shipped about 3 barrels preliminarily. The freight was $4.90, so that he got 10 cents out of the fruit. When I recounted that incident here years ago the Senator from Oklahoma [Mr. GORE] said the railroad companies had made a mistake and had overlooked the 10 cents.

The perishable nature of fruits and vegetables is such as to lend those products very readily to exploitation by the handlers and those who market them. Of all the people who need some kind of organization so that they can secure fair treatment and get a return for that which they produce for the benefit of the consumer, the producers of fruits and vegetables are the ones who need this kind of legislation, properly framed, without doing violence to the handler, and yet seeing to it that the producer gets an equitable return for what he produces and sells.

That is my answer to the Senator from Utah.

Mr. FLETCHER. Mr. President, I may not be able to be present in the Chamber when the Senator from Georgia [Mr. GEORGE] is here and the amendment with reference to fruits and canning of fruits is again before the Senate for discussion. Therefore I wish to say at this time briefly that in Florida there is no antagonism between the grower and the canner. So far as I can learn, one helps the other.

In the matter of grapefruit, for instance, I have eaten grapefruit ripened on the tree, perfectly wholesome and delicious because ripened in that way. It would not be possible to ship grapefruit of that kind at all. It has to be used at once. It cannot reach the market at all.

Then there is grapefruit which, because of some discoloration or defect on the outside, is not marketable. That kind of grapefruit the canner can and does use. Without the canner the grower would get nothing for it. It would be a total loss to him. That being true, the fruit which is not marketable, which cannot be carried any distance, depends upon the canner for a market. The canner comes and selects his fruit and pays for it, and that is the end of it so far as the producer is concerned. There are no packing charges, there are no hauling charges, and there are no freight charges. The grower gets just that much out of the crop which he would not otherwise get. Consequently he is interested in maintaining and encouraging the canner. There is no conflict between them, but there is a mutual desire to help each other.

The canner can get fruit which does not go to market and would not be marketed at all, which is perfectly good fruit and delicious in every way, wholesome and healthy and eminently suited for canning purposes. The grower gets a return for fruit which would otherwise be lost to him and wasted.

Consequently there is no antagonism between the grower and the canner. They are, I repeat, mutually helpful. The canners do not want to be included under the bill, and that is universally the position they take in Florida, so far as I am advised. They want the provision retained as it came from the House, and therefore object to the committee amendment which would eliminate fruit for canning purposes. We believe in the House provision, and when the time comes we shall vote against the amendment of the committee in that respect.

Mr. KING. Mr. President, I listened with a great deal of interest to the statement made by the chairman of the committee in answer to my interrogation as to the propriety and wisdom of including fruit under the provisions of the bill. I return very briefly to the subject.

The Senator from South Carolina knows that farmers and owners of small orchards produce fruit for their own use. There are millions of orchards in the United States in which are grown limited quantities of peaches, apples, plums, and apricots, as well as all kinds of berries. It seems to me it is absolutely impossible to set up a workable plan, even if we desired to do so, which would subject all persons who grow fruits for their own use, or for shipment, to the regimentation which is provided or will be provided under the terms of the bill if it should be enacted into law.

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

Mr. KING. Certainly.

Mr. SMITH. There is no provision whatever relating to fruits growing for personal use. This is wholly with respect to that fruit which is grown for marketing purposes, and that in interstate transactions only. There is nothing in the bill which pertains to the regimentation or the regulation of fruits grown for personal use.

Mr. KING. Mr. President, I have read the bill rather carefully and I have not found the line of delimitation which is indicated by the able Senator from South Carolina. If it could be made very clear that the bill is to include only fruits that may be grown for shipment in interstate commerce, it would remove some of the objections which I am now attempting to urge against the provisions of the bill with respect to this particular matter. When we again take up this subject, upon the return of the Senator from Georgia to the Chamber, I may renew my observations or inquiries concerning it.

The VICE PRESIDENT. The clerk will state the next amendment passed over.

The CHIEF CLERK. On page 11, line 6, after the words "(not including vegetables for canning)", it is proposed to insert "soybeans, hops, package bees and queen bees, poultry."

Mr. DUFFY. Mr. President, I offer an amendment to the committee amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 11, line 6, it is proposed to strike out the word "hops."

Mr. DUFFY. Mr. President, I also have presented an amendment which would strike out, on page 16, the words "hops and their products"; and because they should be considered together I ask unanimous consent that the two amendments may be considered together.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. MCNARY. Mr. President, I do not understand the request of the Senator from Wisconsin. I gather that he desires to strike out the word "hops" on page 11 in line 6. He then referred to the word "products." That is found on line 1, page 11. Therefore, what is the full nature of the Senator's proposal?

Mr. DUFFY. The proposal is to strike out the word "hops", on page 11, line 6, as the Senator has stated. However, to carry out the purpose of eliminating the word "hops" at that place it would also be necessary to strike out the words "hops and their products" on page 16, lines 11 and 12; and the two proposals should be considered together.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. DUFFY. I yield.

Mr. BORAH. The insertion of the word "hops" is a committee amendment; so the question would arise on rejecting or approving the committee amendment, would it not?

Mr. DUFFY. I present my amendment as an amendment to the committee amendment, proposing to strike out the word "hops." I am not raising any question as to the remainder of the committee amendment including "soybeans, package bees and queen bees, poultry." I merely wish to strike out the word "hops."

At the present time there are approximately 1,300 hop growers in the whole United States. Largely, they are located in the State of Oregon, and some also in the States of Washington and California. After the manufacture of beer was legalized in 1933, hops commanded an unusual and an unwarranted high price. Perhaps it was warranted by the scarcity at the time; but many persons, especially in the three States I have named, rushed into the hop-growing business, I suppose upon the theory that the excessively high prices for hops would continue; and I assume that the purpose of putting hops in this bill is to give them, possibly, some relief.

The same amendment that the committee has recommended was proposed in the House of Representatives. The amendment was defeated. I do not refer to my amendment; but in the House it was proposed to insert the word "hops" in the bill. That proposal was defeated in the House by a vote of approximately, as I recall, two and a half to one. I do not recall that it was a record vote. I believe it was a standing vote; but I think the action of the House was correct, and that hops should not be included in the bill.

Hops and the products of hops would be subject to the orders of the Secretary of Agriculture if the word "hops" should be permitted to remain in the bill. Such orders dealing with the handling of hops and their products may limit the total quantity of hops of any grade, size, or quality that may be marketed or transported to market by handlers during any specified period. They may also allot the amount of such commodity which each handler may purchase from producers. Such allotment is required to be made in accordance with some uniform rule based upon the amount of the commodities produced or sold by producers during a representative period, and such period would be determined by the Secretary of Agriculture.

Allotments to individual handlers are required to be made in accordance with a uniform rule. They may provide in such orders as to the extent of any surplus or of any grade, size, or quality; and the justification, apparently, from the report of the committee, is:

> There is a market supply in excess of quantities sufficient to meet an effective consumption demand.

Mr. President, in my opinion, the system which has been proposed in this bill does not lend itself at all readily to the conditions under which hops are marketed. Hops are used almost exclusively in brewing beer and similar fermented malt liquors. It is the hops which give the beer its flavor; and although there are several tests recognized for hops, strange as it may seem, the most important test is the test for aroma.

If seeds and stems are not eliminated in picking hops, each pound of hops is much less valuable for brewing purposes. I am reliably informed—and I have been consulting with the departments here which seem to have information on the subject—that there has been only a very small carry-over as to the better grade of hops; that is, the grade of hops suitable for brewing purposes.

Many people who rushed into raising the crop of hops in the past year or two were not prepared for it. They did not have suitable kilns for drying the hops. The stems and the seeds were picked and were not carefully separated, and the result has been that a good many of the hops produced in this country have not been very suitable for brewing purposes; and as the aroma is an important element in the grading and quality of hops, it seems to me it is quite apparent that hops cannot be so susceptible of standardization as to justify their being placed in this bill.

To allot by any uniform rule, as required by the bill, would be, in my opinion, to penalize the growers of the better grade of hops, and to penalize the brewers of the country. I say that because, for instance, if production should be restricted by 25 percent, it would mean that there would be available next year 25 percent less of a good grade and the lower grades which are not so suitable and not so readily adapted to brewing purposes, and a brewer would have two alternatives. He would either have to make up the 25-percent reduction from a lower grade than he would otherwise like to do, or else he would have to use imported hops.

I am informed that the hop growers are not all in accord with the sentiment of my friend from Oregon [Mr. McNARY]. Oregon has the largest crop of hops. I am informed, for instance, that the growers of 70 percent of the hops, in Sonoma County, Calif., where the better grade of hops is grown, have telegraphed various Senators and members of the committee that they do not desire to have hops included under the bill. I do not think, generally speaking, that the growers of the better grade of hops do desire to be under the bill.

For instance, the New York State Agricultural Department is now doing some experimental work to rehabilitate the hop-growing industry in that State. I doubt very much if it would be possible for them to do so if the Secretary of Agriculture should undertake to limit the distribution and exercise the power and authority which he would have under this bill.

Senators will note that the bill says "hops and their products." On page 10 it says:

> Orders issued pursuant to this section shall be applicable only to the following agricultural commodities and the products thereof.

What are the products of hops? Where would the line be drawn? Is not the language broad enough in its terms to include beer as a product of hops? If so, then it seems to me certainly there should be no such provision as this in the bill, because if it is a reasonable interpretation of what are the products of hops that beer might be so construed, the bill would give the Secretary power, by an order, to regulate the marketing of beer, including the fixing of trade practices, prices, and many other things which obviously should not be attempted in a bill of this kind.

Because of the practical impossibility of the standardization of hops, and because it seems to me it has not any place in this bill, I have urged this amendment, which will be in accord with the action taken by the House of Representatives.

Mr. McNARY. Mr. President, I think it would be well for me to explain to the Senator from Wisconsin [Mr. DUFFY] and to other Members of the Senate the situation from a parliamentary standpoint as it affects hops.

The Senate Committee on Agriculture and Forestry a month ago reported favorably a bill to amend the original Agricultural Adjustment Act so as to include hops as a basic commodity. I offered an amendment to that measure to place a processing tax of 2 cents a pound on hops. The bill is on the calendar, and no action has been taken on it.

The brewers of the country and some of the hop dealers, not interested in the production of hops, objected to any legislation affecting hops, upon the false theory that it was an attempt to penalize them by making them pay a higher price. For that reason, I have not asked to have taken from the calendar and considered the bill making hops a basic commodity, which carries with it a processing tax.

Consequently, when the committee met to consider the amendments to the Agricultural Adjustment Act, I offered an amendment to include hops, and the committee included it, but it affects hops only so far as marketing agreements are concerned.

Mr. President, I agree with what the Senator from Wisconsin has said; there is no desire whatsoever on the part of the producers of hops along the Pacific coast to have beer included under a marketing agreement, or in any way to have it brought within the jurisdiction of the Department of Agriculture, so far as the particular legislation now before us is concerned. Therefore I suggest at this time as an amendment—and I think I have such an amendment in my files—that after the word "hops", on page 11, line 6, there shall be included the following language: "Not including the products thereof." At this time I ask that the committee amendment be modified in that respect.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection, and the committee amendment is modified as suggested by the Senator from Oregon.

Mr. McNARY. Mr. President, that takes entirely out of consideration the interest of the brewer.

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

Mr. McNARY. I yield.

Mr. DUFFY. Of course, there are in my State a great many brewers, and I have consulted with them in regard to this suggestion, and they have told me that the statement just made by the Senator is not in accord with their ideas. In other words, they feel that hops should not be in the bill at all, that it is much better to have it as the Senator now proposes in his suggestion, but it still seems to me so fundamental that I do not think hops ought to be included in the bill.

Mr. McNARY. Mr. President, I am not attempting to dispute the statement of the Senator from Wisconsin. I have received telegrams from brewers to the effect that they would be perfectly satisfied with hops included in a marketing agreement. It is only as it affects their product, beer, or brings them under the processing tax, which this amendment would not do, that they object.

I think I can also well disregard any opposition of the few brewers who may not be favorable to this proposal—and I think some of them may reside and conduct their business activities in the State of Wisconsin—because nearly all the brewers, so far as I know, have either assured the hop men or the dealers that they had no objection to the plan which I am now proposing.

Mr. President, the production of hops is one of the substantial industries in three Pacific Coast States—Oregon, Washington, and California. The growers of hops in those States do not in any way desire to impose any new obligations or burdens on the brewery business. In those three States millions of dollars are invested in the production of hops as an agricultural occupation. It is a crop, produced from the soil, that requires more labor than the production of any other agricultural crop. Men, and women and children particularly, are engaged in the production of hops, and in their cultivation and harvesting. It is a crop whose production affects the poorer homes more particularly, thereby resulting in greater social relief than the production of any other crop harvested along the Pacific coast.

Recently a plebiscite was held, and all the hop growers of the country took a vote on whether they wanted to come within the provisions of the pending bill, and the Secretary of Agriculture, through his agents, notified me a few days ago that the vote was 7 to 1—seven producers of hops favored the inclusion of that commodity in the pending bill against one who did not.

What effect would the adoption of the proposal have on the breweries? It would be so infinitesimal that I am surprised that any one brewer, however many brewers there may be in the United States, should object to the provision. On my desk here is a statement from the Department of Agriculture, with which I am conversant, that less than 1 pound of hops goes into a barrel of beer which contains

32 gallons—less than 1 pound of hops is required to season a barrel of beer which contains 32 gallons.

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

Mr. McNARY. I yield.

Mr. DUFFY. Does the Senator know anything concerning the suggestion I made that there are growers of better grades of hops on the Pacific coast who do not desire to come under the bill?

Mr. McNARY. I know of only one such grower, and he is Mr. E. Clem Horst, who has a farm not far from where my farm is located in the beautiful Willamette Valley in western Oregon.

Mr. President, what does the Department of Agriculture say with regard to parity? If there is any virtue in the bill before us, if there is any desire upon the part of the Members of Congress to help the grower, the desire is to put him on a parity with other products and with industry. The Department of Agriculture says that by reason of the price which hops bring their parity is 38 percent, on the basis of 100 as an index number. The market price is 100 percent under the cost of production.

The hop growers cannot live under those conditions. If we are to include in the bill soybeans, package bees, queen bees, fruits, and vegetables, upon the theory that marketing agreements affecting them may bring about better conditions in the particular industries, the appeal for the growers of hops is stronger than is the appeal as to any other agricultural commodity within the bill.

If one would just look at this proposal soberly, and in the interest of the grower and not the brewer, he could see its advantages.

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

Mr. McNARY. I yield.

Mr. DUFFY. I assume the reference to "sober consideration" has nothing to do with the product of hops? [Laughter.]

Mr. McNARY. No, indeed; I qualified that.

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

Mr. McNARY. I yield.

Mr. SHIPSTEAD. I understand the Senator's amendment would eliminate the products of hops.

Mr. McNARY. Exactly. I am standing here as a representative of the growers of hops. The amendment would have no effect on the brewers of the country, who can look after their own interests.

Mr. SHIPSTEAD. If the Senator will permit me, I believe the Senator from Wisconsin said that the chief and most valuable product of hops was the aroma of beer. If this tax should be imposed upon hops, does the Senator think it would have a deleterious effect on the aroma of beer? [Laughter.]

Mr. McNARY. Not at all. I have some interest from the grower's standpoint, and it is not the burr which makes the aroma of the beer. It is the lupulin, a pink substance which lies close to the core or seed. That is what produces the aromatic quality in beer.

The PRESIDENT pro tempore. Let the Chair call attention to the parliamentary situation, which the Senator may desire to consider. As the Chair understands, there are two amendments to be considered as one on page 11. On request of the Senator from Oregon, and by unanimous consent, an amendment to the committee amendment, including the words "not including the products thereof" after the word "hops" in line 6, has been adopted; but the amendment of the Senator from Wisconsin also deals with the word "hops" on line 11, page 16. The two are to be voted on together, as the Chair understands.

Mr. McNARY. Yes. I stated very frankly, with some knowledge of the subject matter, that it was far from my idea, that it was wholly outside of my purpose, to involve the brewers and their products in the bill at all, and wherever the word "products" appears in the bill I wish to have it removed. I appeal to Members of the Senate from the standpoint of the grower of the raw material. I am only asking that hops be included in this particular section as it affects marketing agreements. I do not know whether it is tremendously important or not, but the hop growers think so.

In the original act the subject was treated from the standpoint of a license. In the pending bill there is an effort to treat it from the standpoint of an order. At this particular time the Department of Agriculture has worked out a hop agreement which, I think, has been adopted by the hop growers of the country and the salesmen of hops and the handlers thereof in a very satisfactory way. The proposed amendment merely clarifies the original act, and agreements based thereon. In other words, the Secretary of Agriculture, with the consent of the hop producers, and upon their petition, without the opposition of the brewers of the country, has worked out an agreement under this section as contained in the organic act, and all I am doing, I repeat, is to ask for the insertion of hops as an agricultural commodity, for the purpose of clarifying the language, making certain what the agreement is, and eliminating the brewer and his interests, and the products of hops.

Mr. President, when we stop to consider what we are trying to do by this bill, and realize that the hop industry is a very large one in these States; that the cost of production is 100 percent under the sale price, and that the proposal now made will not take any of the profits away from the brewer or affect him injuriously in any way, I think we shall come to the conclusion that this commodity ought to stay in this provision in order that there may be certainty with respect to the law and the agreements based thereon.

The PRESIDENT pro tempore. Will the Senator from Oregon [Mr. McNARY] give his attention to page 16, line 11, where the word "hops" occurs, following which there occur the words "and their products."

Mr. McNARY. Mr. President, I ask unanimous consent that the words "and their products", following the word "hops", on page 16, line 11, be stricken out.

The PRESIDENT pro tempore. Without objection, the words "and their products", following the word "hops" in lines 11 and 12, on page 16, of the bill are stricken out.

Mr. SMITH. Mr. President, let me call attention to a necessary amendment in line 1, page 11, which follows in line with the argument of the Senator from Oregon [Mr. McNARY]. The sentence begins at the bottom of page 10, line 23, as follows:

> Orders issued pursuant to this section shall be applicable only to the following agricultural commodities and the products thereof (except products of naval stores).

I suggest that to carry out the request made by the Senator from Oregon he should include hops at that point so it would read "(except products of hops and of naval stores)."

Mr. McNARY. Mr. President, I have no desire to quarrel with the chairman of the committee or make any suggestion other than the one I originally made, which was that after the word "hops" in line 6, page 11, there be inserted the words "not including the products thereof."

Mr. SMITH. I thought perhaps it would simplify the matter if the language were inserted in line 1, page 11, because they both come within the same category.

Mr. McNARY. I am perfectly willing to do so. I want to keep out of this bill any reference at all to the brewery interests, and I wish to have the provision placed at the point where it is most suitable.

Mr. SMITH. We had excepted naval stores, and I thought it would be well to place the exception as to hops in the same place.

Mr. BORAH. Mr. President, are we sure now that the brewers have been left out?

Mr. McNARY. I had hoped so. I think they are perfectly able to take care of themselves. I made the statement I did in order to declare the purposes of the amendment, and simply to make it certain that I am only dealing with the growers of hops and not with the brewers.

Mr. BORAH. I wanted to be sure.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Wisconsin [Mr. DUFFY] to the committee amendment as amended, to strike

out the word "hops" on page 11, line 6, and also to strike out the word "hops" on line 11, page 16.

The amendment was agreed to.

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

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

Mr. McNARY. Mr. President, the question was put to a vote very hurriedly. I ask unanimous consent that the vote by which the amendment was adopted be reconsidered in order that I may ask for a yea-and-nay vote on the amendment.

The PRESIDENT pro tempore. The Senator from Oregon asks unanimous consent that the vote by which the amendment of the Senator from Wisconsin [Mr. DUFFY] to the committee amendment was agreed to be reconsidered. Is there objection?

Mr. DUFFY. I understand the request is made by the Senator from Oregon in order that there may be a yea-and-nay vote on the question?

Mr. McNARY. Yes.

The PRESIDENT pro tempore. The Chair hears no objection, and the vote by which the amendment to the amendment was agreed to is reconsidered.

Mr. McNARY. On the question of the amendment offered by the Senator from Wisconsin to the committee amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STEIWER. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. STEIWER. I think I understand the situation, but I wish to state my understanding of it. The question now recurs upon the motion of the Senator from Wisconsin [Mr. DUFFY] to perfect the committee amendment by striking out the words "hops, not including the products thereof", in line 6, page 11, and on page 16, line 11, striking out the word "hops." Those who favor the committee amendment would, therefore, vote "nay", and those who are in favor of striking out the word "hops" and the words "not including the products thereof" would vote "yea"?

The PRESIDENT pro tempore. That is the parliamentary situation.

Mr. McNARY. Mr. President, as I understand the parliamentary situation, those desiring to vote for the amendment offered by the junior Senator from Wisconsin will vote "yea" on this question.

The PRESIDENT pro tempore. That is correct.

Mr. FLETCHER. Mr. President, does the question also involve the provision on page 16?

The PRESIDENT pro tempore. The two questions are considered together. The committee amendment was amended at the request of the Senator from Oregon [Mr. McNARY] by unanimous consent, by inserting after the word "hops" in line 6, page 11, the words "not including the products thereof"; and on page 16, lines 11 and 12, after the word "hops", striking out the words "and their products."

Mr. BANKHEAD. Mr. President, the committee included hops in this bill on the suggestion and at the request of the Senator from Oregon [Mr. McNARY]. I should like to know if there is any real division among the Senators from the hop-growing States with respect to this provision. I desire to ascertain their sentiments. I understand hops are produced in Oregon, Washington, and California. If there is a division of opinion on the question, I should like to know it.

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

Mr. BANKHEAD. I yield.

Mr. SCHWELLENBACH. As I understand, the Senator from Alabama asked whether there was any division among the Senators representing the States in which hops are grown.

Mr. BANKHEAD. That is correct.

Mr. SCHWELLENBACH. I will state that so far as the hop growers of the State of Washington are concerned, they are almost unanimously in favor of being included in the bill.

Mr. SMITH. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. SMITH. Do I understand that the amendment on page 11, line 6, after the word "hops", to insert "not including the products thereof", has been agreed to?

The PRESIDENT pro tempore. That amendment to the committee amendment was agreed to by unanimous consent.

Mr. SMITH. Therefore, if we vote "yea", we vote to strike out the word "hops" with the amendment providing that the products thereof are not included.

The PRESIDENT pro tempore. That is correct.

The clerk will call the roll.

The Chief Clerk called the roll.

Mr. LEWIS. I desire to announce that the Senator from Alabama [Mr. BLACK], the Senator from Colorado [Mr. COSTIGAN], the Senator from Mississippi [Mr. HARRISON], the Senator from Arizona [Mr. HAYDEN], the Senator from Iowa [Mr. MURPHY], and the Senator from Oklahoma [Mr. THOMAS] are necessarily detained from the Senate on official business.

The Senator from New York [Mr. COPELAND] is detained in a conference at the White House. I am advised that if present and voting he would vote "yea."

I also desire to announce that the Senator from Nevada [Mr. McCARREN] is absent because of a death in his family, and that the Senator from Louisiana [Mr. LONG], the Senator from Utah [Mr. THOMAS], and the Senator from West Virginia [Mr. HOLT] are detained by important public business.

I announce further a general pair between the Senator from Nevada [Mr. McCARRAN] and the Senator from Iowa [Mr. DICKINSON]. I am not advised how either Senator would vote on this question.

Mr. AUSTIN. I wish to announce that the Senator from New Jersey [Mr. BARBOUR] has been called from the Senate on official business. If present, he would vote "yea."

The result was announced—yeas 48, nays 34, as follows:

YEAS—48

Adams	Coolidge	La Follette	Reynolds
Bachman	Davis	Lewis	Russell
Borah	Dieterich	Logan	Schall
Brown	Donahey	Lonergan	Sheppard
Bulkley	Duffy	Maloney	Shipstead
Bulow	Fletcher	Metcalf	Trammell
Burke	Gerry	Minton	Truman
Byrd	Glass	Moore	Tydings
Carey	Gore	Neely	Vandenberg
Chavez	Guffey	O'Mahoney	Van Nuys
Clark	Hatch	Overton	Wagner
Connally	King	Radcliffe	Walsh

NAYS—34

Ashurst	Caraway	McGill	Robinson
Austin	Frazier	McKeller	Schwellenbach
Bailey	George	McNary	Smith
Bankhead	Gibson	Murray	Steiwer
Barkley	Hale	Norbeck	Townsend
Bilbo	Hastings	Norris	Wheeler
Bone	Johnson	Nye	White
Byrnes	Keyes	Pittman	
Capper	McAdoo	Pope	

NOT VOTING—13

Barbour	Couzens	Holt	Thomas, Utah
Black	Dickinson	Long	Thomas, Okla.
Copeland	Harrison	McCarran	
Costigan	Hayden	Murphy	

So Mr. DUFFY's amendment to the amendment of the committee, as amended, was agreed to.

Mr. TYDINGS. Mr. President, while the senior Senator from South Carolina is on the floor, and in order that a question brought out by the bill may receive brief comment from him, I should like to ask him if he will turn to page 14 of the bill, at the bottom of the page? I understand that section (D), beginning in line 18, is probably desired by the majority of the milk producers of the country.

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

Mr. TYDINGS. Yes.

Mr. NORRIS. Has the Senator any objection to the pending committee amendment?

Mr. TYDINGS. I have not, except that the whole philosophy of the measure is involved in this provision, and I am using it in order to make an inquiry.

I am going to read, on page 14, line 18, section (D):

(D) Providing that, in the case of all milk purchased by handlers from any producer who was not, upon the effective date of such order, regularly selling milk for consumption in the area covered thereby, payments to such producer, for the period beginning with the first regular delivery by such producer and continuing for 3 full calendar months from the first day of the next succeeding month, shall be made at the price for the lowest use classification specified in such order.

In my State we have such an arrangement by agreement between the producers and the distributors, I understand, with the consumer being represented.

I am not attacking the merit or the wisdom of the provision. What I am asking is, can anyone show under what authority in the Constitution we have the right to fix the price of milk produced in South Carolina and sold in Charleston, S. C. Certainly, if the decision in the N. R. A. case is to apply to this bill, the bill is manifestly going to be held to be unconstitutional by the highest court, and all our work will have gone for naught.

Mr. SMITH. Mr. President, if the Senator will turn to page 10, beginning with line 17, he will understand that the provision of the bill which he has just read is governed by this clause:

Only such handling of such agricultural commodity, or product thereof, as is in the current of interstate or foreign commerce, or as directly burdens, obstructs, or affects, interstate or foreign commerce in such commodity or product thereof.

I will state to the Senator that there are those here who are vitally interested in and who are a good deal more familiar with the complex question of milk handling and distribution than am I. I dare say that this matter gave the Agricultural Department, and certainly it gave the committee, more trouble and was worked on more diligently than any other provision of the bill. As the Senator says, in his State, in order to protect the regular customers, outsiders are not permitted to take advantage of any exigent condition and come in and destroy the market. This provision, of course, is subject to the limitation as to interstate commerce and also to the cooperation of the States, where they desire to cooperate. The provision does not in any way affect the right of any citizen to use all the markets available to him, but will be subject, of course, to the power under the Constitution to regulate interstate commerce.

Mr. TYDINGS. I thank the Senator from South Carolina, who has answered my question quite clearly.

I am not attacking the merits of a proposition of this kind; on the contrary, I can see ample reason for it, and I am not attacking the proposition as an enemy of what is sought to be done by that section of the bill. I am only attempting to point out that, in my humble and very fallible constitutional judgment—for I do not argue constitutional questions on this floor very often—that provision is not worth the ink which is necessary to print it, because the Congress has no more authority, whether the States agree or do not agree, to enforce a national law which attempts to fix the price of milk, we will say in Charleston, S. C., if that milk is produced in South Carolina. There is no warrant for it in any decision of the court of which I know and, therefore, in my judgment, we are writing something that in a year or a year and a half from now will find its way to the highest tribunal and in all likelihood it will be held to be invalid.

My purpose in bringing out this point—and it has already been discussed more or less on the floor—is to ascertain whether or not we want to take time to set up an agricultural policy which many men who are friendly to the philosophy of this particular section feel will not stand the test when the test comes.

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

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Nebraska?

Mr. TYDINGS. I yield.

Mr. NORRIS. I am certainly not finding fault with the Senator in his constitutional argument on this question. If the Federal Government should undertake to do what the Senator has described and in Charleston fix the price of milk which was produced in South Carolina, it would be an unconstitutional undertaking. There is no intention to do such a thing.

The operation of the milk provision, as the chairman of the committee has said, is one of the most difficult things possible; but unless the milk business be regulated, the situation can become most harmful and disastrous to the producers. The Senator says those interested are operating in his State under an agreement just like the one here proposed.

Mr. TYDINGS. That is true.

Mr. NORRIS. Mr. Davis went into considerable detail before the committee in discussing the situation. It is not intended that Mr. Davis, as administrator, or the Federal Government shall under any circumstances undertake any procedure which would affect the price of milk in intrastate markets unless it is done in cooperation with the State authorities.

Suppose, in the case the Senator stated, the Federal Government did not cooperate with the South Carolina authorities. Then those engaged in interstate commerce would in turn be able to put out of business the intrastate men. We thought this provision necessary in order to enable the interstate part of the milk market in Charleston to be controlled by the Federal Government, letting the intrastate part be controlled by the authorities of the State of South Carolina. By working in harmony they could produce good results. I believe the Senator from Maryland will admit that. There is no intention to do anything else.

Mr. TYDINGS. In view of the explanation made by the Senator from Nebraska, if it would work out that way——

Mr. NORRIS. I am not sure that it would, and I think no one can be sure; but I think the only way to find out is to try it.

Mr. SMITH. This is an attempt to make it work.

Mr. TYDINGS. My thought in reading that provision—and I did not necessarily connect it with the amendment on page 10—was that it would be silly, taking section (D) alone, for us to say we would do something which, when the question got into the courts, we would promptly find we were not able to do. My interest is not primarily to oppose the section, because in Maryland such a plan worked very well and has been fair to producer, distributor, and consumer under the agreement.

I am a little concerned, but I do not think it need be great concern, as to whether, if interstate shipments should not be included, they would affect to any great extent the existing agreement covering the intrastate milk business. However, I think that an effort has to be made to regulate interstate shipments, and in view of the explanation of the chairman of the committee and the Senator from Nebraska I shall not interpose further objection to the provision.

Mr. BORAH. Mr. President, I did not exactly understand the explanation of the Senator from Nebraska [Mr. NORRIS]. Is it the intent to combine the two powers, interstate and intrastate, in seeking in any sense to control the intrastate action through the Federal Government.

Mr. NORRIS. I think that is correct. The milk question is one of the most difficult to handle.

Mr. BORAH. Yes; I realize that it is.

Mr. NORRIS. Let us take the city of Baltimore, in the State of Maryland. It is desirable to regulate the sale of milk and not have somebody come in and put others out of business by first making too low a price and later raising it to a higher level. The State of Maryland can make regulations about the sale of milk in Baltimore if the milk is produced in Maryland. But if the milk is produced in South Carolina and shipped into Baltimore, then Maryland has no control over that interstate shipment.

If the Federal Government had no authority to go into the milk problem it could not help the State at all, but if it had such authority, and we seek to give it that authority here, then if the Federal authorities and the Maryland State authorities worked in harmony they could completely control the milk situation in Baltimore. As I understand, that is what the section is trying to accomplish. It is admitted to be difficult. It is admitted that it involves some close questions of constitutional law.

However, it is desirable and admitted on all hands, except perhaps by a few producers who might want to drive somebody else out of business, that we should have this regulation. The intention is for the Federal authorities, in a case like that of Baltimore, and in similar cases all over the United States in the larger cities, to get in touch with the State authorities and try to work in harmony with them to control the situation.

The PRESIDENT pro tempore. The question is on agreeing to the amendments of the committee, as amended, on pages 11 and 16. Without objection, the amendments, as amended, are agreed to.

Mr. LONERGAN. Mr. President, I send to the desk two amendments which I ask to have stated.

The PRESIDENT pro tempore. The first amendment submitted by the Senator from Connecticut will be stated.

The LEGISLATIVE CLERK. It is proposed on page 29, after line 20, to insert the following new paragraph:

(B) No order shall be issued under this act prohibiting, regulating, or restricting the advertising of any commodity or product covered hereby, nor shall any marketing agreement contain any provision prohibiting, regulating, or restricting the advertising of any commodity or product covered by such marketing agreement.

Mr. BORAH. Mr. President, before we go to that, may I ask the status of the amendments on page 11 with which we were dealing?

Mr. SMITH. Mr. President, I call attention to the fact that the hour having expired, the first amendment passed over is in order; and I ask that the amendment of the Senator from Connecticut [Mr. LONERGAN] be temporarily withheld until we dispose of the amendments which have been passed over. I refer now to the amendment on page 11, where the committee struck out "and not including fruits for canning."

The PRESIDENT pro tempore. The Chair will state the parliamentary situation. The debate by the Senator from Maryland [Mr. TYDINGS] had ceased, and the Chair stated that the question was upon the adoption of the committee amendments, as amended, on pages 11 and 16, and that without objection they would be agreed to.

Mr. GEORGE. Mr. President, the Senate misunderstood the Chair. I was listening attentively to the statement by the Chair; and while the occupant of the chair has correctly stated his language, that immediately followed a vote simply eliminating hops; and I assumed that the purpose was to deal only with the part of the amendment on which the vote had been taken.

Mr. SMITH. The part of the amendment which was passed over was the amendment in reference to whether fruits for canning should be excluded or included.

Mr. GEORGE. Yes; so if adverse action has been taken upon the amendment proposed by the Senate committee to the House text in line 4, page 11, I ask unanimous consent that it be reconsidered.

The PRESIDENT pro tempore. The language referred to by the Senator from Georgia in lines 4 and 5 of page 11 was not under consideration. Its consideration was suspended for 1 hour by unanimous consent. It is now before the Senate for consideration.

Mr. MCNARY. Mr. President, I do not know what action was taken a moment ago, or just what statement was made by the occupant of the Chair. The two products mentioned on page 11, line 6—soybeans and hops—were cared for by a vote of the Senate. The question now should recur upon the next item, package bees.

The PRESIDENT pro tempore. The committee amendment is in one clause. That clause was amended by striking out "hops." Then the question recurred on the amendment as amended, and it was adopted.

Mr. MCNARY. Oh, no; if that was done, it was not done with forethought.

The PRESIDENT pro tempore. The Chair is not responsible for the forethought of Members of the Senate.

Mr. MCNARY. I am not responsible, either. I am now speaking about proper legislation and the form it should take. We all know that each one of these commodities must be acted upon deliberately and according to the rules. It is not possible, under the rules, to say from one page to another that action was taken. If such a thing does appear in the RECORD, I ask unanimous consent that the vote by which the action announced by the Chair was taken be vacated.

The PRESIDENT pro tempore. Let the Chair make a statement in answer to that suggestion.

The committee amendment under consideration was to insert the words "soybeans, hops, package bees and queen bees, poultry" before the words "and naval stores, as included in the Naval Stores Act and standards established thereunder." That was the committee amendment. It was amended by the Senator from Oregon by inserting, after the word "hops", the words "not including products thereof", which was agreed to. An amendment by the Senator from Wisconsin [Mr. DUFFY] was adopted, striking out the word "hops."

Naturally, after being amended, the question recurred on whether or not the Senate would adopt the committee amendment as amended. The Chair stated that that was the question before the Senate, and that, if there was no objection, it would be adopted.

Now the Senator from Oregon has asked unanimous consent that the vote by which the committee amendment as amended was adopted be reconsidered. Is there objection?

Mr. FLETCHER. Mr. President, I inquire of the Senator from Oregon whether he objects to any of those items.

Mr. MCNARY. I may not object; other Senators may; but we cannot legislate in that wholesale fashion and have our action record the views of the majority of the Senate.

The PRESIDENT pro tempore. The question is, Is there objection to the request of the Senator from Oregon?

Mr. CONNALLY. Mr. President, reserving the right to object, is the request of the Senator from Oregon merely that the committee amendment be reconsidered, but not the amendment of the Senator from Wisconsin?

Mr. MCNARY. Oh, no; I am not trying to revive that.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Oregon? The Chair hears none, and the vote by which the amendment as amended was adopted is reconsidered. The question now is on the committee amendment, as amended.

Mr. SMITH. Mr. President, I call attention to the fact that in the first paragraph on page 11, line 4, the committee struck out the words "and not including fruits for canning." That amendment was passed over for 1 hour for the purpose of allowing the Senator from Georgia [Mr. GEORGE] to be present at the time of its consideration. The hour now having elapsed, I ask that the amendment be considered at this time.

The PRESIDENT pro tempore. The Chair will state that the pending question before the Senate is on the adoption

of the committee amendment just referred to as amended. Does the Senator desire to take up some other matter?

Mr. SMITH. Mr. President, a parliamentary inquiry. Since we reserved that amendment for separate consideration, would it be proper now to dispose of the italicized part beginning with "soybeans"?

The PRESIDENT pro tempore. Without objection, then, the pending amendment will be temporarily set aside, and the question will recur on the amendment in line 4, page 11, striking out the words "not including fruits for canning." Is there objection to that? The Chair hears none.

Mr. GEORGE. Mr. President, I rise for the purpose of saying that I hope the Senate will reject this amendment and restore to the bill the original text as passed by the House.

In the first place, as it seems to me, there can be no real reason for including canned fruits within the operation of this bill, because, under the orders which the administrator is authorized to issue, the price of fruits to the grower or producer may be and can be fixed. Certainly under the committee amendment the producer's price can be fixed on the portion of the crop purchased by the canner as well as upon the portion of the crop of fruits covered by this bill that is disposed of as green fruits.

I do not think there can be any serious question about that; but if there is a question on the part of the proponents of the bill, or those who have it in charge, I respectfully invite attention to the provisions of the bill as they appear on page 18, line 13, subsection (F), which authorizes the fixing of a minimum price which anyone, including a canner, must pay to a grower for the raw material he purchases.

That this power is absolute, even though against the will of any and all canners, is clearly set forth in the bill on page 21, lines 3 to 25, inclusive, and page 22, lines 1 to 25, inclusive, and page 23, lines 1 to 6, inclusive.

The existence of such power is clearly evidenced on page 9 of the report of the committee itself; and it will be observed that canners may be brought under marketing agreements without their consent. It does not require cooperation.

I read from the report of the committee:

> Without such consent of the handlers to be covered thereby, a proposed order may become effective only if the Secretary of Agriculture, with the approval of the President, finds (1) that the failure of the requisite number of handlers to sign a marketing agreement, upon which a hearing has been held, tends to prevent the effectuation of the declared policy; (2) that the issuance of the proposed order is the only practicable means of carrying out the declared policy; and (3) that the issuance of the proposed order is approved or favored by at least two-thirds, by number or volume, of those producing the commodity for market.

So, Mr. President, so far as the price of green fruit is concerned, this bill authorizes the fixing of the price to the producer, and it authorizes the fixing of the price without the consent of the canner and against his will. Therefore there can be no legitimate reason for bringing the canners under the jurisdiction of the Department of Agriculture and of the A. A. A. Administrator, so far as the price to the producer of the fruit is concerned.

Is there any other legitimate purpose of the act? Is there any other just reason why a valuable food product should come under the jurisdiction of such an official, when it has paid to the producer the price that has been fixed under the law, and fixed even for the canner himself, and which he cannot avoid, because he may be involuntarily compelled to come within the terms of the order?

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

Mr. GEORGE. I yield to the Senator from Alabama.

Mr. BANKHEAD. How can the price agreement be enforced on the canner unless he is subject to the orders?

Mr. GEORGE. How can a price agreement be enforced upon anybody?

Mr. JOHNSON. Mr. President, pardon me. What is the question that was asked? We could not hear it.

Mr. BANKHEAD. The Senator from Georgia, as I understood him, was making the argument that the price for the producer having been fixed, that price controlled the canner; he was obliged to pay the price fixed for the producer. The question I ask the Senator is how the canners can be obliged to pay the price if they are exempt from the operations of this measure.

Mr. GEORGE. They are not exempted from the operations of this measure. They are brought in against their will. They may be covered under the agreement upon the finding of three simple things which, of course, will be found. How is anybody going to be made to pay the price? If that is what the Senator means to ask, I desire to say frankly that it cannot be done, because the price of any article moving in interstate or intrastate business cannot be fixed unless it be affected with a public use.

However, I am waiving that question, which I am not arguing, I am saying that under the bill the price which must be paid to the producer of fruits is fixed, and it brings the canners who purchases fresh fruit under this provision, because here is a provision which expressly says that though a majority of the handlers do not agree, the Secretary of Agriculture, with the consent of the President, may bring them under the marketing agreement.

Mr. HATCH. Mr. President——

The PRESIDING OFFICER (Mr. MURPHY in the chair). Does the Senator from Georgia yield to the Senator from New Mexico?

Mr. GEORGE. I yield.

Mr. HATCH. I merely desire to ask a question, because I know the thought was expressed in the committee, as I recollect, that if the amendment proposing to strike out the words "not including fruits for canning" were rejected, that would constitute an exception of fruits for canning which would go throughout the entire bill, and all the orders and marketing agreements and prices to producers could not be fixed if the fruits were to be used for canning purposes.

Mr. GEORGE. Of course; and that is the reason why I am asking that we reject this amendment, because there is no substantial necessity for including the canners when the price of the fruit to the producer is fixed.

Mr. HATCH. The point I was making is that the price would not be effective to the producer.

Mr. GEORGE. Will the Senator tell me why it would not be effective if the price at which the fruit is to be sold to anybody will be effective?

Mr. HATCH. If the words "not including fruits for canning" were inserted in the bill as in the House measure, that would constitute an exception for all purposes.

Mr. GEORGE. Exactly.

Mr. HATCH. That was the thought expressed in the committee.

Mr. GEORGE. That is true, and that is why I am asking that this amendment be rejected. But the bill does authorize the fixing of the price to the producer. Then there is an effort made to bring the canner of fruits under the terms of the bill so that the price of the canned product itself may be fixed.

Mr. BANKHEAD. Let me suggest to the Senator that it does not bring the canners under the bill except so far as the effect of the fruit for canning is concerned.

Mr. GEORGE. That is true, of course.

Mr. BANKHEAD. It does not bring the canners directly under it. The bill, as it passed the House, excepted fruits for canning, just as it excepted apples.

Mr. GEORGE. Exactly.

Mr. BANKHEAD. And therefore took them wholly out of the bill.

Mr. GEORGE. That is, fruits for canning purposes.

Mr. BANKHEAD. Yes; fruits for canning, just as it did apples.

Mr. GEORGE. Yes.

Mr. BANKHEAD. So that if we leave the House language, then we eliminate entirely any program covering fruits used for canning purposes.

Mr. GEORGE. That is so far as controlling the price or making allocations are concerned.

Mr. BANKHEAD. It just takes them out of the bill, just as apples have been taken out.

Mr. GEORGE. It does not take fruits out.

Mr. BANKHEAD. No.

Mr. GEORGE. But canners would not be brought within the bill if the House language were agreed to.

Mr. BANKHEAD. It would not. It is "fruits for canning", as the Senator from New Mexico pointed out.

Mr. GEORGE. That is true. I may not have made myself very clear.

Mr. HATCH. I am afraid I did not make myself clear.

Mr. GEORGE. I think I understand the Senator's position, and perhaps I was at fault because I did not make my own position clear. My position is that the price of fruits to the producer may be fixed under the bill.

Mr. BANKHEAD. Except for canning purposes.

Mr. GEORGE. If the House language is taken, except for canning purposes. If the Senate amendment is taken, of course, even for canning purposes.

Mr. BANKHEAD. They are fixed.

Mr. GEORGE. They are fixed for the producer.

Mr. BANKHEAD. That is correct.

Mr. GEORGE. Let me ask the committee again, in order that I may understand the situation; if canners are brought under the bill, are not other provisions of the bill relating to handlers made applicable to the canners and to the products of the canners?

Mr. BANKHEAD. I think so, so far as paying the price is concerned. I call the Senator's attention to the beginning of this section, on page 10:

COMMODITIES TO WHICH APPLICABLE

Orders issued pursuant to this section—

Which covers the whole order program—

Orders issued pursuant to this section shall be applicable only to the following agricultural commodities and the products thereof.

Certain ones are listed and then there appears the clause "and not including fruits for canning." So if the House language is left in the bill, as I previously pointed out, we simply eliminate entirely from the producer's standpoint and from every other standpoint all power of any sort to control, under this order program, fruits used for canning.

Mr. GEORGE. Mr. President, I am asking that the Senate reject the Senate committee amendment and let the House language stand, because I cannot see any practical necessity for the amendment that will equal or offset the very great disadvantages which may be placed upon consumers and may be placed upon the industry itself in sections of the country where the industry has not been developed by the adoption of the amendment made by the Senate committee to the House text.

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

Mr. GEORGE. I yield.

Mr. CONNALLY. Is it the Senator's contention that elsewhere in the bill there is an effort to control the price of fruit after it is canned?

Mr. GEORGE. Oh, yes; I think undoubtedly that is the effect of the bill.

Mr. CONNALLY. May I ask the Senator from Alabama if that is also his view?

Mr. BANKHEAD. I think under the bill as it passed the House fruits for canning are entirely eliminated from the bill.

Mr. GEORGE. The Senator means if the Senate committee amendment is agreed to?

Mr. CONNALLY. No; I mean if we restore the language as the Senator desires, does he contend that the Secretary would then have jurisdiction over the price of the canned fruits?

Mr. GEORGE. That is the effect of the bill.

Mr. BANKHEAD. I do not agree with that.

Mr. GEORGE. That is the effect.

Mr. BANKHEAD. The object is to give the producer the price.

Mr. GEORGE. The effect of it is also substantially to control the price of the canned goods.

Mr. CONNALLY. I see the Senator's point, but on the other hand, if we restore the language of the House, it would seem to me legally that it would absolutely operate to exclude from the operation of the law any fruit intended for canning.

Mr. GEORGE. It would.

Mr. CONNALLY. Therefore the Secretary could not, by agreement or otherwise, fix the price of the fruit, provided it was going to be used for canning.

Mr. GEORGE. That is true if the House text is taken.

Mr. CONNALLY. So there would be no control whatever.

Mr. GEORGE. That is true.

Mr. CONNALLY. If the Department has control of that kind of fruit, inevitably it is going to react upon the price of other fruit, because if it is kept a little while it will deteriorate, and no longer be good for anything except probably for canning. Why could not the Senator accomplish his object by offering an amendment making it clear that after the fruit has once been canned then the Department shall have no jurisdiction over it? I am inclined to vote with the Senator on that, but I am not inclined to vote with him to exempt it because it is simply to be used for canning, for the canning industry is well organized, and if we remove any control of the price, it is going to play havoc with the producer. After anyone has bought it and paid the producer, he ought to be able to sell it in the market as he sees fit.

Mr. GEORGE. There are so many restrictions under the bill, allocations and marketing areas, that substantially the price is fixed. There can be no escape from that conclusion.

Mr. CONNALLY. Why could not the Senator use the language, "not including canned fruit", or "not including fruit after it is canned"?

Mr. GEORGE. I do not know how an appropriate amendment could be drawn unless there should be a general exception of canned fruits from the operation of the entire bill.

Mr. CONNALLY. That is not what the Senator is asking.

Mr. GEORGE. No; I am not.

Mr. CONNALLY. He is asking to exempt fresh fruits.

Mr. GEORGE. I am.

Mr. CONNALLY. If he will exempt canned fruit, I am with him.

Mr. GEORGE. I am asking first that fruits for canning be exempted from the act for the reason that the canned-fruit industry of this country is confined very largely to a small geographic area. If the growth of a fully matured man is fixed, it does not hurt him, but if his growth is arrested when he is a boy of 10 or 15, then he is destroyed. That is exactly what this bill does. It gives to a few, one or two of the Western States, a stranglehold upon the canning industry of the country. That is precisely what it does. That is what it is intended to do, in my honest opinion.

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

Mr. GEORGE. I yield.

Mr. NORRIS. I know the Senator does not desire to misrepresent anyone, and when he says it is intended to do that thing, I want to object.

Mr. GEORGE. I do not mean by the committee, but I mean by those who have asked for this particular amendment.

When the bill was first presented to the Senate I inquired of the chairman of the committee as to who asked for the amendment. I am not imputing bad faith. It is simply the desire of those who virtually have a monopoly to keep it.

Mr. NORRIS. Did the Senator receive an answer to his question?

Mr. GEORGE. I received the answer that it originated with the committee, that is to say, that there was no particular person back of it.

Mr. NORRIS. I will be frank and state to the Senator that, so far as the action of the committee is concerned, the amendment striking out the words "and not including fruits for canning" was upon my motion. I am not ashamed of it. I do not apologize for it.

Mr. GEORGE. I am not asking the Senator to apologize for it; but the effect is to give to one or two States practically a control of canning or production of fruit for canning.

Mr. NORRIS. As a matter of fact, Mr. President, so far as I know, there is not a constituent in my State who has asked for it or written to me about it. I may be very ignorant and very dense, but I had no knowledge whatever as to any

fruit industry in which my constituents may be interested. I was influenced by what, in my ignorance, I supposed to be a fair deal. It seemed to me, and it seems to me now, notwithstanding the very forceful argument and some insinuations——

Mr. GEORGE. I did not mean to make any insinuation, if the Senator from Nebraska will pardon me. I will withdraw any insinuation; but I repeat that the effect of the bill is to give one or two States a practical control of canning, in my opinion.

Mr. NORRIS. I have no objection to the Senator saying that, of course.

Mr. GEORGE. And I am proceeding with my argument on the theory that whenever an industry is fairly well developed within a given locality of the United States, to arrest the development of that industry in other sections of the United States is to continue the control enjoyed by the few States.

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

Mr. GEORGE. I yield.

Mr. NORRIS. It will only take a sentence or two to let the Senator understand why I believe as I do. My belief is based entirely on the proposition that fresh fruit and canned fruit are to so great a degree in competition that I think, to be fair, they ought to be both included or both excluded. I would just as soon have both of them out as to have both of them in the bill. I am not speaking for any industry. However, if we put in one, we ought to put in the other, as I see it. If we take one out, we ought to take out the other. It is immaterial whether they are both in or both out.

Mr. GEORGE. I appreciate the Senator's view. The view, of course, which the Senator emphasizes is that if the price paid by the canner—who is one of the buyers, of course, of fruits—is to be free, fixed by him at his discretion or will, in accordance with general marketing conditions, we shall have altogether destroyed the purpose of including fruits in this provision of the bill. I can appreciate that.

Mr. President, I desire to call the attention of the Senate to the following provisions of the bill:

On page 16, at line 20, subdivision (A), there is authority for a limitation upon the total quantity of canned fruit or the quantity of any grade or size of canned fruit which a canner may transport or market. I have not any doubt that it will be so construed. This comes under the " orders ", it is true; but if this language remains in the bill the canner may be brought under and made subject to the orders without his consent, merely if the given number of producers ask it—not all the canners. So that the orders to be issued by the Secretary, with the approval of the President, against the will of all the fruit canners, necessarily under this particular subdivision, in these particular lines and page, may be construed to limit the total quantity of canned fruit or the quantity of any grade or size of canned fruit which a canner may transport or market.

Then, again, under subsection (B), page 17, line 1, there is authority to limit the quantity, grade, or size of fruit which any canner may purchase from producers.

Again, at page 17, line 12, subdivision (C), there is authority to allot the amount of canned fruit which any canner may market in each and all markets by sizes and grades or otherwise.

Then, on page 18, line 1, subdivision (D), authority is given to determine the existence and extent of any surplus in the hands of a canner or canners and to take over the control and distribution of such surplus.

On page 18, at line 9, subsection (E), authority is given to establish reserve pools of any canning fruit or any canned fruit and distribute the net returns from such pools.

If the language remains in the bill, as I have attempted to argue in the first instance, subsection (F), line 13, page 18, provides for fixing the minimum price which the canner must pay to a grower for the raw material he purchases; and the power is made absolute, and without the consent of canners, but only upon condition that a specified percentage of the producers of the fruit themselves ask the Secretary of the Treasury and the President to issue the order covering the canners.

Mr. President, I believe that approximately 90 percent, let us say, of asparagus is canned in a single State. The same thing is true, varying only in degree, when other fruits are considered. If approximately 90 percent of a given fruit is canned in a single State, under this bill the industry cannot expand, except in a like proportion, if at all, in the other sections of the United States. That does not seem to me to be fair. It does not seem to me to be just. It does not seem to me to be right, even though the purpose of the bill may be, by the insertion of this particular amendment, to give to the producer a fixed price for his product. In other words, even though the purpose of the bill may be entirely consistent with the object in view and with the original act, and may be altogether desirable, it cannot be necessary to give that advantage to a State which already possesses a virtual monopoly so far as canned fruits are concerned.

To illustrate, let us take the case of peaches, or the case of asparagus, or of citrus fruits, save that the State of Florida has very rapidly become a great canner of citrus fruits.

Now, Mr. President, it becomes necessary for me to speak plainly, and I propose to speak plainly. The Pure Food and Drug Division of the Department of Agriculture has within the last 10 years virtually outlawed peaches canned in Georgia. They did it not upon the ground that the peaches were not good, not that they were not pure, not that they were not wholesome, not that they were not edible, not that they did not possess all the qualities, and perhaps additional ones, of the California peach—I regret to refer to any State, but I must make this argument clear—but they did it upon the ground that in point of appearance the Georgia peaches had to carry a label which virtually excluded Georgia canned peaches from the market, and from that hour canning in Georgia, although it is a great peach-producing State, was arrested. Why? Because this department of government, the Department of Agriculture, or those acting under it, were administering the law partially, notwithstanding the fact that delegation after delegation of representatives and senators came here and protested against the requirement that we must put upon our canned fruit a label which would necessarily result in excluding Georgia canned peaches from the markets.

Senators may say that we may rely upon the Department not to be unfair. I assert now that the Department of Agriculture 10 years ago was unfair and seriously crippled the canning industry of my State with respect to one of its important products. I assert now that they admitted that the Georgia peach was not only as good as any other, but that it possessed qualities which were not possessed by some other peaches; but the Department had their own peculiar standards, and those who had most voice in fixing those standards, and the men who administered the law for the most part did not come from Georgia, had never been in Georgia, and knew nothing about Georgia industry.

One can so easily make partial rules and regulations, and it is so difficult, so very difficult, to meet them, and it is impossible to get a bureau to change its decisions. It will not do it.

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

Mr. GEORGE. I yield.

Mr. FLETCHER. The Senator's position is that the language on page 16, line 6, " and not including fruits for canning ", should likewise be rejected?

Mr. GEORGE. That would follow, if the committee amendment were rejected on line 4, page 11.

Mr. President, I have never before made an argument of this kind.

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

Mr. GEORGE. I yield.

Mr. ASHURST. The Senator from Georgia asserted that the Department has been unfair and is unfair. I do not think the Senator need produce any lengthy argument to demonstrate that contention. To read this bill is sufficient

to convince any man who thinks directly of things instead of around things that it is not fair. No American who wishes to be fair will vote to impose a tax of doubtful validity and then urge Congress to deny the citizen the right to go into the courts and test the validity of that tax. I thank the Senator from Georgia.

Mr. GEORGE. I thank the Senator from Arizona for his observation.

Mr. President, I have said that I have never before made an argument of this kind in the Senate. I hesitate to make it.

Mr. BANKHEAD. In order to have the point clearly in my mind, let me ask the Senator a question. I understand his statement to be that the unfair administration to which he referred was in connection with the Pure Foods and Drugs Act?

Mr. GEORGE. I was merely illustrating by that suggestion.

Mr. BANKHEAD. I refer to the particular application which the Senator made as affecting Georgia.

Mr. GEORGE. The particular illustration which I gave related to Georgia.

Mr. BANKHEAD. Under laws which are now on the statute books?

Mr. GEORGE. Yes; under laws which are now on the statute books.

Mr. BANKHEAD. So the law of which the Senator is complaining is already in existence?

Mr. GEORGE. That is true, but this provision will bring canned fruits under the control of the Department if the committee amendment shall be agreed to. I am trying to call to the Senator's attention the provision of the bill which, through allocation, limitation, and restriction, makes it possible to confine the development of the canning industry within those localities or geographical areas in which that industry has already been very largely developed. I do not say completely developed, because the development may, of course, continue; but the progress of the canning industry in the United States has been most seriously hampered because of the partial interpretations which have been made, particularly as to fruits, and also as to some vegetables, as I recollect, under provisions of the Pure Foods and Drugs Act.

Mr. President, who do this? The fresh-fruit market is not, as a rule, controlled by the price paid by canners. The contrary is true, generally speaking, of the Southeast, at least, though I would not say that it is true universally. The supporting element in the market of the Southeast is the canner. He is the man who will contract in advance for fruits, and in some instances for vegetables, and will agree to pay a price. He is the man who, very largely, makes it possible for us to carry on the industry in our section. There is always the canner when the fresh-fruit market goes to pieces and the producers are not able to sell their fruits on that market. I will illustrate my thought. When it comes to melons, let us say, the canning of which has not as yet developed in the Southeast, there is virtually no market upon which the producer may put any reliance or dependence. Time after time in the memory of every man who has grown melons of any kind in the Southeast the producers have loaded their melons onto the cars, unloaded them, and given them away. That is not true in the case of green vegetables where a cannery is available; it is not true where there is some support for the fresh-fruit market. It is not true in the case of asparagus; it is not true in the case of peaches, and would be far less true if the peach-canning industry were further developed; but in the case of melons and fruits, for the canning of which no facilities have been developed, the market is substantially without support, and that market is frequently not only disorganized but it is often destroyed in the midst of a growing or marketing season. So the producers of fruits and vegetables, at least, in the Southeast, will, in my judgment, be seriously hurt if the canners shall be brought under the conditions and terms of this bill. Why?

Canned fruits and canned vegetables in large measure are the fruits and vegetables which are used and consumed by the poor and by those who have but moderate purchasing power.

The greater quantity of our canned fruits and vegetables go into the homes of people of very moderate means. They become almost the only source of supply of fruits and vegetables for many of our people whose purchasing power has been greatly reduced.

Why add to that burden? Why advance the cost of these necessities of life? Why do so when, so far as the fresh-fruit market is concerned, the price may be fixed without reference to this particular amendment? So far as the bill goes, the price may be absolutely fixed to the producer, and anyone who is buying from the producer must pay that price.

It is true, A or B or C, canner or individual, cannot be compelled to buy at that price, but the price is fixed, and the producer is given the benefit of that fixed price; he has his products in his hands, and he may take advantage of that situation to prevent, reasonably at least, any unjust combination on the part of canners to beat down the price of his product and to buy it below the market.

Mr. FLETCHER. Mr. President, may I interrupt the Senator?

Mr. GEORGE. Certainly.

Mr. FLETCHER. The Senator is familiar with the condition in Florida, where we produce grapefruit and oranges in connection with which, particularly in the case of grapefruit, a considerable canning industry has been developed. The Senator knows—and I think he will bear me out in the statement—that much of the fruit used for canning the juice is just as good and healthy and wholesome as is the fresh fruit, but is not available for the fresh-fruit market on account of some discoloration or other defect that interferes with the appearance of the fruit. So such fruit is not afforded a market as fresh fruit, but its use is confined to canning purposes. If the canner should be eliminated and could not take from the grower such fruit, the grower would lose the entire product and would have no market.

Mr. GEORGE. The Senator from Florida is entirely correct. Every person who is familiar with Florida fruit knows that the portion of the citrus fruit crop which goes to the canner to have the juices extracted and canned is perhaps the very best part of that crop in point of fact; but, because it does not meet some standard requirement, of course it is not put on the market in competition with the fresh fruit.

I do not think it can be emphasized too strongly, Mr. President, that the poor of this country, as a rule, cannot pay the prices charged for green vegetables and fresh fruits. They must, very largely, at least, depend upon the canning industry to supply them with their necessary fruits and vegetables.

I would not make the plea that the grower of fruits is not entitled to a fair and just price; but when he is given the power to fix the price of his fresh fruits, and, with that power in his hands, he has also the power to organize, it does seem unfair to a great mass of the consumers of the country that we are asked by the committee amendment to place the canners under the bill, to regulate and control the canners, and therefore, in effect at least, to control and regulate the price to all consumers.

Mr. President, I wish to repeat that under this bill and under the particular subsections to which I have called attention I believe there can be no doubt that the orders which may be imposed without the consent of the canner—bear that in mind; against his will in fact—can and will limit the total quantity of canned fruit or the quantity of any grade or size of canned fruit which the canner may transport or market. If that be so, we may expect a very sharp and rapid advance in the prices paid by those who consume canned fruits and vegetables. If that be so, we may expect those States that already have a fully developed industry to be able practically to prevent the spread and expansion of that industry into other States. Under this bill and under the particular subsection to which I call attention, the order may limit the quantity or the grade or size of fruit which

any canner may purchase from a producer. It does not make any difference about the quality of the fruit; its size may be the determining factor. Furthermore—and this is most important—the amount of canned fruit which any canner may market in each market may be alloted. When we write such a provision in this bill we stifle the industry in any other State where it is being developed or is in process of development.

Mr. President, I earnestly hope that the committee amendment will be disagreed to and that the House text will be restored to subsection 2 of section 8 (c) on page 11 of the bill, and that the corresponding amendments which will then, of course, be necessary may be made in subsequent sections of the bill, to which the Senator from Florida has directed attention.

Mr. President, I wish that every section of this Union had an equal voice in the administration of its laws; I wish that were true, but I would not be candid with the Senate if I did not say that not an important office, not an office carrying policy-fixing power in the division that will administer this proposed provision of the bill, is held by any man from my State.

Mr. KING. Or any man elected by the people.

Mr. GEORGE. Yes; or by any man elected to office. That will be the story over and over again. It may not be an argument that should be made, but it is the fact. With a State now canning within its borders 89 percent of the canned asparagus, and having a correspondingly high percentage of other fruits and vegetables grown and canned within its borders, and with a bill here which simply puts the halter around the neck of the industry to prevent its expanding in any other part of the country, I think the South and Southeast—I even feel emboldened to say a single State—may properly come to the Senate and ask that this provision be stricken out of the bill and the House text retained by the Senate.

Mr. JOHNSON. Mr. President, it is very natural that the distinguished Senator who has just taken his seat should speak on this question from the standpoint of the State which he represents. It is equally natural that I should speak from the standpoint of the State I represent.

I express my very deep regret that the Senator's State has been treated in the fashion he suggests in respect to the glorious peach which he described. I would go with him any length in order to rectify a wrong of that sort or to do aught that might be done to see that justice be accorded him, and accorded him most fully. But, sir, the objections he presents to the amendment here before us, an amendment which is submitted by the committee after due deliberation, are not in reality objections to the amendment. The objections he has are objections to the bill. As I followed him in what he has said in that regard, he insists that the administration of the bill by those who may not be familiar with his particular territory is what he fears may result in wrong in his territory or what he fears may result in injury to the industries of his State.

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

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Utah?

Mr. JOHNSON. I yield.

Mr. KING. I do not want to misunderstand the Senator. My understanding of the basis of the argument of the Senator from Georgia—and I came in from a committee meeting just before he concluded—was that he was pleading not only for his State, but to have a uniform rule throughout the United States, namely, that fruit which is canned should not come within the operations of the bill. He did not confine it to his State alone, but to all States, including the State of the Senator from California.

Mr. JOHNSON. Mr. President, let me suggest that I would not for the world misstate what was said or indulge in any intent to cause misapprehension of what was said by the Senator from Georgia. I think that accurately I stated the conclusion which might have been drawn from the remarks he made.

However that may be, the committee comes here with an amendment which we believe ought to be sustained. It is an amendment which puts fruits which are canned in the same category as other fruits—fruits which are not canned. That that should be so, anyone familiar with the fruit industry ought, it seems to me, readily admit.

In some States, I grant, there is not a friendly feeling between the canners on the one side and producers on the other. In other States, I grant, there is a relationship between canners on the one side and producers on the other which may render them desirous of carrying out the views of either one side or the other.

In the State from which I come the fruit industry is so great that interrelated are the proceedings and the sales and the activities of green fruits and those which subsequently may be canned. That the fears of the canner are wholly fanciful will be demonstrated by a knowledge of what is sought to be done by the bill in the provision under discussion. We seek, in this particular provision, relating to commodities to which the bill may be applicable, to list those things which will come within the purview of the bill. These provisions relate to marketing agreements.

Marketing agreements can be made only if 50 percent of the canners in the one instance shall agree or two-thirds of the growers or producers in the other instance shall demand it. If, as in the State of Georgia, the producers are in such relationship to the canners that they feel their interests are one, no marketing agreement can ever be consummated, because two-thirds of the growers are required in order that it shall be consummated or, on the other hand, one-half of the canners.

If, in a State like that from which I come, there are differences existing between the canners on the one hand and the growers on the other, exactly the same situation prevails. Marketing agreements, therefore, need never be feared by any State where canners and growers are in accord and where they are acting in concert, as the Senator from Georgia would indicate they are acting in concert in his State.

What is more reasonable? I am not going to argue the merits of the bill nor speak of those provisions concerning which the Senator from Georgia has spoken, which, in his opinion, make the bill one which ought not probably be passed. I am not going to argue now in reference to any of those provisions which he thinks may be administered by those who are not familiar with his particular territory. But I ask, if we adopt this measure, if we make it applicable to agricultural products, on what theory shall we make it applicable to a part of the fruit-raising agricultural productivity of particular States and not applicable to other parts?

Where such quantities of fruit are produced, as in my State, of course we must take into consideration in any legislation relating to the subject matter not alone the green fruit which is but a part of that which is raised, but the very great and considerable quantity of canned fruit which results therefrom. It is perfectly obvious that if we deal with only a moiety of fruit thus produced and do not deal with the other part of the fruit thus produced, we will have chaos so far as marketing conditions are concerned and difficulty under a bill such as is presented here today.

Much was said by the Senator from Georgia about production in a single State. What of it? I cannot see that it is either something that is derogatory to a State or something that should be apologized for by anybody coming from that State. I have no apology, of course, to make in that regard. Consider the fruits and other commodities which are canned in this country. All the canned apricots are produced in the State of California; all the canned olives are produced in the State of California; from 97 to 99 percent of the canned peaches are produced in the State of California. What State, therefore, has a greater interest in this bill and in the endeavor to give a market to that which comes from the soil than has the State which

thus produces and thus cans such an extraordinary proportion of that which is consumed in and that which is exported from the United States? So, with the knowledge of what is done in the State of California, with its productivity conceded and admitted, with the statistics demonstrating just what I have said, why should not the State of California stand here and express its views as well as the State of Georgia upon a subject matter of this character, which means such extraordinary things in the agricultural life of that State?

Something was said by my friend from Georgia about asparagus. Do Senators realize where the greatest amount of asparagus is canned in this country? In California, in 1934, 1,914,000 cases were canned. Do Senators realize what percentage that is of all the asparagus that was canned in the United States? It is 89 percent of all that was canned in the United States.

So, of course, I endeavor to present an amendment here in relation to asparagus by which it shall be in a different category from vegetables generally, as stated in the clause on page 11 of the measure; and I present it because the asparagus growers desire it; and I state here on behalf of the fruit growers of the State of California, who produce such an extraordinary proportion of the canned fruits of this Nation, that they desire that their product, when it goes into the cannery, shall be put upon a parity with their product when it is of a different character, and that it shall be treated under this bill exactly as all fruits are treated under the bill. There is nothing in that which strikes me as being in the slightest degree something that ought not to be done, nor anything that requires caviling or criticism from any source, of any character, or under any circumstances.

What is it that is desired? Solely that as the process goes on with the fruits of the State, as they are finally canned in such an extraordinary amount, that product shall be in exactly the same relationship to the law it is sought to pass as the remainder of the fruit may be.

That is all there is to this amendment.

Mr. TRAMMELL. Mr. President, I understand that as the House passed this bill it was provided that fruits for canning purposes should not be included within the provisions of the measure. The Senate committee proposes to amend the bill by striking out that provision, which would subject fruits for canning purposes to the imposition of the various rules and regulations contained in the bill.

In Florida the canners have succeeded in making remarkable progress during a period of some 10 or 15 years since the industry was established in that State, and I understand they are getting along nicely at the present time in spite of the depression. The fruit growers of the State have made no complaint whatever that the present Agricultural Adjustment Act does not apply to fruits for canning purposes. This amendment seeks to require that all the fruits used in canneries shall be subjected to the terms of the bill, just the same as the fruit that is placed on the general market.

I am unable to see why the fruits sold to the canneries should be subjected to these provisions. In my State both the producers and the canners are against having them included. There is a difference in the grade of fruit used for canning and that shipped in to the general market.

Mr. BANKHEAD. Mr. President, will the Senator allow me to ask him a question?

Mr. TRAMMELL. I will.

Mr. BANKHEAD. I should like to ask the Senator if he thinks it is unreasonable to provide a plan under which the producer may get a decent price for his fruits, even though they are bought for the cannery?

Mr. TRAMMELL. The producers are very well satisfied with the present plan. Of course, if we are going into details, I will say that in my State they did go under this proposal to obtain decent prices, as the Senator states. They did not obtain decent prices. They have become weary of the system and have withdrawn from the system. That is the result among the producers in Florida. They have withdrawn from it.

It is one thing to say we are going to get decent prices for the producers, that we are going to promote the interests of agriculture, and we are going to promote the interests of the fruit growers; but obtaining those beneficent results is another thing. I cannot go into details, but I know that the people of my own State have decided that they were getting no benefits by reason of the trade agreements affecting fruits being under the provisions of the present law; and the citrus-fruit growers of Florida generally, producing under ordinary circumstances approximately 36,000,000 boxes of fruit per annum, have recently withdrawn from such agreements.

There is no one from my State who is asking for this amendment. The producers are perfectly content and satisfied to remain outside of the bill, and they are satisfied to be let alone in regard to the fruit which is supplied to the canner.

The canners in my State have been a great aid to the citrus-fruit growers, the pineapple growers, and others. They have purchased a great quantity of fruit and utilized it in that way, and thus have removed the necessity for placing such a great surplus of fresh fruits in the usual channels of trade. I do not know of any reason whatever for this measure, by means of which we are trying to assist the agricultural interests of the country, except that there are surpluses that have to be cared for.

That is true of cotton; that is true of wheat; that is true in regard to fruits. The question of proper, systematic marketing at least comes into it; and I myself, conforming to the wishes of the producers of my State, hope that the Senate will reject the amendment proposed by the Senate committee and allow the text to stand just as it was in the House bill as it came to the Senate.

I am speaking, of course, as one of the representatives here of a very large fruit-producing State; but many States prepare for market different kinds of fruits. To say that every time a producer in one of the various States throughout the Union proposes to sell fruit to canners for canning purposes he shall have to place his head in the halter and go through the process required by this bill is, in my opinion, an absurdity. The producers should not be required to subject themselves to the provisions of the measure, which is intended to apply to general industries needing assistance from the Government.

Mr. COPELAND obtained the floor.

Mr. SMITH. Mr. President, will the Senator from New York allow me at this point to call attention to what seems to be a misapprehension of the whole procedure, with particular respect to citrus fruits?

There are three independent sections, not treated collectively but treated separately: the Florida section, the Rio Grande—that is, the Texas—section, and the California section. Neither one of these, except with the consent of the majority of the producers, comes under the terms of the bill. It was brought out, as anyone reading the hearings will find verified, that at any time, even during the marketing season, when a majority of the producers say, "We want to withdraw", all they have to do is to take a vote and they are out. If they want to come in, they can take a vote and come in. There is nothing arbitrary about it. There is no noose for anyone to put his head into unless he makes the noose and puts his head into it.

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

Mr. SMITH. Yes.

Mr. McADOO. The Senator is addressing himself now to the citrus-fruit provision?

Mr. SMITH. I refer to the provisions of the bill as to canners—any provisions which affect those three sections.

Mr. BYRD. Mr. President, will the Senator yield? The Senator says this is voluntary. I wish to repeat what I said the other day, that the licenses or orders provided for can be imposed by the votes of 50 percent of the handlers of any given commodity without the votes of the producers.

Mr. SMITH. The Senator is referring to a section to which he has offered an amendment, which I think is a very

good one. That refers to a portion of the bill which does not affect this provision. The Senator is referring to the provision requiring certain handlers to reach an agreement, and the votes of 50 percent of them are necessary; and he has offered an amendment including a certain percentage of the producers under that particular paragraph. I have reference now to the question of canning fruits and vegetables. This all comes under the general head of an agreement on the part of the growers. If they vote themselves out, they are out. If they vote themselves in, they are in.

Mr. BYRD. Mr. President, I desire to repeat that the bill does not give to the growers the power to vote themselves in. It gives to 50 percent of the handlers the power to determine whether or not marketing agreements shall be entered into.

Mr. SMITH. That is in relation to the handlers in interstate commerce.

Mr. BYRD. That is in reference to the entire marketing agreements which we are now discussing under the amendments.

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

Mr. BYRD. Mr. President, if the Senator will read his own report, on page 3, he will find this statement:

> Under the proposed amendments it is made clear that the Secretary must issue an order whenever the handlers of 50 percent by volume of the commodity to be covered in the order have signed a marketing agreement regulating the handling of such commodity.

Mr. SMITH. Precisely; having reference entirely to the handlers, when it is a question of orders that govern the handlers.

Mr. BYRD. Mr. President, with all due deference to the Senator, he is mistaken about that. The orders which are promulgated regulate the producers just as well as they do the handlers. Under this provision the handlers may initiate the orders whereby the producers will be restricted as to what they shall do, and the Senator's own report plainly so declares.

Mr. SMITH. Mr. President, that has reference entirely to the question of the handlers in marketing. It is absurd to say that an agreement on the part of the handlers has reference to the marketing agreements of the producers. They are two distinct things.

In reference to the particular point at issue, namely, the citrus-fruit question and the production in certain regions, I call attention to the objection of the Senator from Florida [Mr. FLETCHER]. He sent to the committee a letter which we discussed. In the letter he did not indicate that the provision as to citrus fruit would cover all the citrus fruit produced in this country.

It was made clear, and it is so indicated, that Florida is distinct, and is treated as a distinct unit. The Rio Grande production is a distinct unit, as is that of California. So that whatever agreement may be reached in California will not affect Florida or the Rio Grande.

Mr. President, I do not want any misapprehension to be entertained in regard to the bill. On page 22 this language occurs:

> That the issuance of such order is the——

Mr. COPELAND. Mr. President, may I ask whether I still have the floor?

The PRESIDING OFFICER (Mr. ADAMS in the chair). The Chair was in some doubt. The Senator from New York was recognized.

Mr. COPELAND. There was nothing for the Senator from New York to do but to subside. I used to believe we had rules here which protected debate, but apparently they do not now exist. However, I yield to the Senator from South Carolina to go on indefinitely, and sometime I will try to get the floor on my own account.

Mr. SMITH. Mr. President, with abject apology to the Senator from New York, I yield the floor, and will allow him to take it at his pleasure. [Laughter.]

Mr. COPELAND. I would not have denied the Senator from South Carolina the opportunity to make a speech.

Mr. SMITH. I thought it was a courtesy which was extended to the chairman of the committee on a very important point, which he was very ably elucidating for the benefit of the Senate. [Laughter.]

Mr. COPELAND. I will say one more disagreeable thing. If the Senator from South Carolina the next time will ask whether I am willing to yield I shall be glad to yield to him, but I dislike being swept off the floor, as happens too commonly in the Senate. Either we ought to proceed in an orderly fashion or just have a pow-wow all the time.

Mr. SMITH. Mr. President, I apologize and humbly retire.

Mr. COPELAND. The apology is accepted with pleasure.

Mr. President, I am sorry that I represent a constituency which cannot give its full support to this particular measure. If I represented some other constituency, perhaps I could think this bill was wise, but when I know that the enactment of the bill would increase the cost of living and make greater the misery of countless citizens in my State, and particularly in the city where I live, where there is more unemployment than anywhere else, there being there 2,000,000 unemployed, I feel impelled to rise and say a word or two about it.

I know the bill means that every barrel of flour the people buy will cost $1.50 more, that every pound of meat will cost 4 to 5 cents more, and that everything the people consume will be increased in cost, as, indeed, costs have been increased by the law which is now sought to be extended.

Mr. President, I now come to the matter which has been so ably presented by the Senator from Georgia that it seems silly for me to say even a word about it, but we cannot ride through the country anywhere in the fall, when fruits are ripe, without seeing the tremendous waste. Fruits are permitted to drop off the trees and bushes and to rot upon the ground.

Why should there be imposed upon the fruits which may be used for canning another burden of tax in order to prevent their use for such purpose? I wish everybody in the United States could have fresh fruit and fresh vegetables every day of the year, but that, unfortunately, is not possible. Many people are too poor to have fresh fruits and vegetables, taken from refrigerated cars or from refrigerators. They depend upon canned fruits and canned goods of other kinds. That is America. The chief equipment of a home in the United States is the can opener, and every household depends upon canned goods.

An effort is being made to impose a burden upon the food of the poor, and, so far as I am concerned, if I were the only one, I should stand up to resent it and to oppose it. It is not right that we should do it, and I can see no reason why we should do it.

Granting for the moment that it is proper to include under the terms of the bill fine, perfect fruits, that is one thing, but to include those fruits which are to be canned and used in the homes of the poor of the United States, to my mind is a crime against humanity, and I want to enter my solemn protest against the procedure.

Mr. SMITH. Mr. President, in answer to what the Senator from Virginia has called attention to, I was about to read from the bill, and I hope all Senators who are interested will read the text of the bill.

I do not care to enter into any argument at all as to the necessity for including canned fruits and vegetables under the terms of the law, for the reason that the canning of fruits and vegetables constitutes as much their marketing by those who produce them in the raw state as does the marketing of fresh fruits and vegetables.

As to fruits and vegetables being obtained in the canned form for the poor, I do not think it is necessary for me to call attention to the fact that the most notoriously poor people, who actually produce the volume of wealth of this country, are the farmers. The people who produce the vast majority of the wealth of the country, the material out of which the wealth is made, are the farmers, and they are the most notoriously universally poor of all those who actually produce wealth. The volume of the production of the people who produce the material out of which we are all clothed

is the underlying foundation upon which our organized society rests.

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

Mr. SMITH. I yield.

Mr. COPELAND. Was the Senator ever in a tenement house?

Mr. SMITH. Yes; I have been, and I am here to state that by some strange psychology there are thousands of people who would rather stay in a metropolitan center, in a tenement house infested with rats and vermin, than to go out and make an honest living in the country. Everybody knows that to be so.

Mr. COPELAND. Will the Senator yield?

Mr. SMITH. There is a stigma attached to farming. The farmer is called the "old hayseed" and the "old farmer." He is the butt of every caricature; he is the sign and symbol of ignorance and incompetency. Thousands of people think it is a disgrace and a lowering of social status to be either classified with or to come into social contact with a farmer.

Mr. COPELAND. Mr. President, will the Senator yield at that point?

Mr. SMITH. No; I am speaking well, and I do not want to be interrupted. [Laughter.]

Mr. COPELAND. I wish to give the Senator an example. I was born on a farm, so I am an example of exactly what the Senator is talking about.

Mr. SMITH. Judging from the Senator's speech, I am afraid he has become an apostate. I will illustrate my point. I am just back from the Senate restaurant. There was not an article on the table that was not produced by those who could ill afford to eat the quality of the things we ate in the restaurant. We might just as well face this thing at one time as another and settle it, if possible.

The farmers of this country are the Chinese of America's organized society. What would happen if in this day of strikes the farmers were to combine and for 12 months strike and not sell a single article produced on the farm? I wonder what effect it would have. I wonder what would be the result. Labor sometimes strikes, and produces disastrous financial and social results; but what would become of the great metropolitan centers of the country if the farmers, in self-respect and self-protection, were to strike and refuse to sell any of the products of the field? Because of their unorganized condition and helpless financial condition, however, they are disregarded here.

We came here and asked for $100,000,000 to help the farmers stay on the farm and make a living for themselves and their dependents. Congress did not provide that amount for them. We proposed to loan the money to them and take a lien on their crops. We haggled about the amount until we cut it down to $60,000,000; and, in spite of the disastrously low prices and the terrific conditions under which they produced, the farmers paid back 99 percent of the money loaned them. Yet, on the other hand, without batting an eye, we appropriated $5,000,000,000, the greater portion of which is to be handed out to those who have not produced and will not produce a single thing for the convenience and advantage of our economic and industrial and organized social life!

I am amazed, as I sit here, that there should be such an attitude as has been exhibited toward organizing some kind of resistance so that the man who produces the material which feeds and clothes the country may have some little opportunity to share in the wealth he produces; yet he is shot at from every side.

Mr. President, with all the opportunities in America for one to make at least a subsistence, it comes with ill grace for any Senator to stand on this floor and demand that the farmer shall still be denied any opportunity to live decently and comfortably in order that those who live in the slums may be provided with a little better living.

I begged Senators when they started to consider this bill to consider it farmer-minded. A majority of us have been away from the farm too long to appreciate the terrible conditions under which the farmers live. I hope this bill will be considered as an attempt to help the helpless; to create a line of resistance where now there is no line of resistance; and if, in the judgment of the Senate, there are provisions of the bill which are not beneficial, and are not sufficient to give the farmer, in his unorganized condition, a chance in this superorganized world, let Senators offer amendments, but let them not come with destructive criticisms.

Because the farmer is not organized and cannot, in an organized body, demand what he wants at the ballot box, he is disregarded. We should sing a different song if he were organized and could speak with an organized backing. We know what the result would be if the farmers were organized.

I am not going to draw any comparisons, but every colleague I have on this floor knows that when certain organizations speak they are heard because they are organized. In their case it is not a question of justice and equity and no discrimination; it is a question of whether or not they will have a telling number of votes if we should dare oppose their demands.

I am pleading here today for a square deal; not a new deal but a square deal, an honest deal; that we on our part shall recognize the condition of the farmer as compared to others, and give him a chance.

Mr. NORRIS. Mr. President, does not the Senator think a square deal would be a new deal?

Mr. SMITH. The Senator has hit it. Yes; I do.

Mr. NORRIS. Mr. President, I confess that I am very much surprised at some of the argument which has been used in relation to this particular committee amendment, and that I am surprised at the heat and even anger which is shown in debate in opposition to this committee amendment. I am surprised there should be such feeling, inasmuch as it seems to me there has never been the slightest idea or tinge of an unfair or dishonest motive actuating the committee in proposing the amendment. It seemed to me that yesterday, and to some extent today, there was amazement in the minds of some Senators that any committee should dare to bring in an amendment of this kind, and there seemed to be an effort to search out who was guilty of proposing such an amendment. It developed only today, upon my own confession, that I was the guilty party who offered this amendment in the committee.

I was dumfounded, when listening to the debate, to hear some of the reasons which were given in opposition to this amendment—reasons which I had never heard of before, which had never occurred to me as existing, and I do not now know why they are offered or why they should exist. Of all the committee deliberations in which I have taken part since I have been a Member of this body or of the House of Representatives I do not recall a single instance, Mr. President, where there seemed to be such an honest endeavor on the part of the committee to do what was right in framing a very difficult piece of legislation. So far as I observed, no one was trying to intimidate the committee; no one representing the Department even tried to suggest how any member of the committee should vote.

I had no constituents interested in this committee amendment, so far as I know. So far as I was concerned, I knew that in my own heart I was moved by no desire to help one industry or to hurt another one. It occurred to me, on the face of the House language in the bill, that there would often be injustices if that language were permitted to remain in the bill.

It is charged that the canning industry is organized. The growers are not so well organized, and in regard to some products they are not organized at all. So if there was any undue advantage attempted to be taken, it was perhaps attempted on the part of the canners. I am not making such a charge, but if such an attempt were made, it would be more apt to be made by the canners.

A Senator can go into the Senate Restaurant and, I presume, get a fresh grapefruit. He probably can get canned grapefruit at the same time. If he cannot get it at that restaurant, he can get it from almost any grocery dealer in the city of Washington. Fresh grapefruit and canned grapefruit are in competition at this moment The House language

which this amendment strikes out regulates one and lets the other go free. I submit that is not fair. No matter what industries Senators have in their respective States or what their interests are, that is not fair. It is like saying to a man who produces oranges, "We will regulate you, but we will not regulate your neighbor."

So it seemed to me that the producers of fresh fruits and of canned fruits ought to be treated alike. I have nothing against either one of them; I have not, directly or indirectly, politically, or in any other way, any interest whatever in the question; but it seems to me, in order to be fair, to regulate one, with the tendency probably sometimes to increase his expenses, and to put no burden whatever upon the other producer would be unfair. So I said include both in the regulation or exclude both from it, and I say that now.

Mr. COSTIGAN. Mr. President——

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

Mr. NORRIS. I yield to the Senator.

Mr. COSTIGAN. May I ask whether or not the Committee on Agriculture and Forestry was divided on the question of bargaining agreements for fresh fruits?

Mr. NORRIS. No; I think there was no disagreement.

Mr. President, that reminds me that we ought to consider what kind of a bill is the measure pending before us. In the main, it is a bill to assist the producers—the farmers and other producers, if they are not all classified as farmers—to give them a square deal, as the chairman of the committee said; and in order to do it, it is deemed proper, if possible, to have them organized on a basis by which they may prevent unfair and ruinous competition amongst themselves. That is the secret of all production, whether it be of wheat, corn, cotton, fruit, or anything else. That may be wrong. If it be wrong, then the whole policy is wrong; and every attempt to regulate and to help production with the idea of producing prosperity where there is now depression is wrong. It ought, however, to be a sufficient answer to say that in various laws which we have passed we have adopted the theory of helping the producer of food products, and that includes the producer of fruit. We realize that what the Senator from New York said is true in the case of fruit, for instance, and in other lines also; one may go into sections of the country where the fruits are produced and find tons of them rotting on the ground. When we are talking about the poor man, the man who is producing that fruit, we find he has not been able to find a market, perhaps because in some other locality so much fruit has been produced that it cannot be consumed, and he is ruined. That, after all, if one desires to analyze it, is the source, to a great extent, of unemployment.

The pending measure is founded on the theory of helping the producers to avoid such overproduction as will bring ruin to the producers themselves as well as to the consumers; that we shall all go down together if we go down. If the producers and the canners of fruit are competitors in the very nature of their business, then if we regulate the one and let the other go unregulated, we are unfair, as I see it. That is the reason why I offered this amendment; that is the reason I am defending it. I have not heard an argument, coming to the concrete proposition, that has caused me to lose my faith in the justice of the position taken by the Senate committee.

Aspersions to some extent have been cast upon representatives of the Department. The committee was in executive session, as I remember, every day for 2 weeks, and the work was a burden on them. Many Senators had to neglect other duties in order to be present, but they were nearly all in the committee at all times. They were all trying and striving together to frame a good bill. We realized the deplorable condition that confronted the producers of food products in this country; we realized what had happened by virtue of the recent decision of the Supreme Court. The idea was, if possible—I do not know whether we succeeded or not—to meet the situation in the face of that adverse Supreme Court decision.

Some of these regulations and rules are very intricate. I do not believe any man outside, perhaps, the official who is going to administer the law, understands all of them; I confess that I do not; but when we reached this amendment, as was the case with other amendments, the representatives of the Department were in the executive session. We had present with us at that executive session Mr. Davis, who has charge and will have charge of carrying out the provisions of the bill should it be enacted, and also some of his assistants. Never once was there any intimation from any one of those men that they wanted to control a single vote in the committee. Time and time again Mr. Davis said, "That will add to the work if it shall be put in, but we have nothing to say about it; we are going to do the best we can, whether the provision shall be inserted or left out; it is up to Congress to legislate." They told us their difficulties; they gave us the reasons why, if we wanted to have this kind of bill, such and such a provision ought to be put in it; they came there with the attorneys who had defended the original law in the courts of justice, who had studied it in the light of the Supreme Court decision which invalidated the N. R. A. Never once was an intimation made as to how any Senator should vote. I did not get my idea of offering this amendment from anything that came to me from Chester Davis or from any other representative of the Agricultural Department.

I give the Agricultural Department credit—whether they are doing a thing that is impossible or not is different—for honestly and fairly trying to execute the law and trying to help make a law that will meet the decisions of the Supreme Court. All the members of the committee acted that way; everybody proceeded in good faith; and this amendment was suggested, as I have already said, because I believed that the language of the House bill created an injustice that would work harm to the producers of fresh fruits and I did not want to have that done.

I say now, in all fairness, I do not believe we can take canned fruits out of the bill and leave fresh fruits in it. Let us take them both out or put them both in. I do not care very much what is done. If the Senate wants them both to go in, I should like to see them both in, but I should very much dislike to see one go in and the other be kept out.

Mr. TRAMMELL. 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	Connally	King	Pope
Ashurst	Copeland	Lewis	Radcliffe
Austin	Costigan	Logan	Reynolds
Bailey	Davis	Lonergan	Russell
Bankhead	Dickinson	McAdoo	Schall
Barbour	Dieterich	McGill	Sheppard
Barkley	Donahey	McKellar	Shipstead
Bilbo	Duffy	McNary	Smith
Borah	Fletcher	Maloney	Steiwer
Brown	George	Metcalf	Thomas, Okla.
Bulkley	Gerry	Moore	Townsend
Bulow	Glass	Murphy	Trammell
Burke	Gore	Murray	Truman
Byrd	Hale	Neely	Tydings
Byrnes	Harrison	Norbeck	Vandenberg
Capper	Hatch	Norris	Van Nuys
Carey	Hayden	Nye	Walsh
Chavez	Johnson	O'Mahoney	White
Clark	Keyes	Overton	

Mr. LEWIS. I announce the absence of the Senator from Nevada [Mr. McCARRAN] occasioned by a death in his family. I also announce the absence of the Senator from Louisiana [Mr. LONG], and the Senator from Utah [Mr. THOMAS], on important public business.

The PRESIDING OFFICER. Seventy-five Senators have answered to their names. A quorum is present.

Mr. GEORGE. Mr. President, as I understand the parliamentary situation, the question is on the adoption of the committee amendment on page 11, line 4. Those of us who oppose it should therefore vote in the negative in order to retain the House language. I demand the yeas and nays.

Mr. KING. Mr. President, the Senator from South Carolina [Mr. SMITH] has, upon numerous occasions since I have

been in the Senate, evinced his deep interest in our agricultural problems and has been a genuine friend of the farmers. I join with him in paying tribute to not only the pioneers but their successors, who through their toils and efforts upon the farms and in all branches of agriculture, laid the foundations of commonwealths and contributed to the progress and development of our country. The tillers of the soil in all ages have been the most important factors in building communities and nations. The remarkable growth of our country is attributable in a very large degree to those hardy and courageous men and women who conquered rebellious soils and wrung from Mother Earth the various agricultural products which not only sustained life but materially added to the wealth of the Nation. Every consideration should be shown toward those who care for field and farm and furnish to the American people the products essential to the maintenance of life. Our foreign trade and commerce have assumed large proportions as a result of the export of farm commodities. Our cities and towns owe their progress and development and, indeed, whatever prosperity their inhabitants enjoy, to the labors of the millions who give their lives to the production of those things essential to life and to the wealth and welfare of the people.

But agriculture alone is inadequate to meet all the needs and problems of a progressive and highly civilized State. The agriculturist must find markets for his products, and those employed in mills, plants, and mines in the varied industrial activities of a great nation furnish an important market for such surplus products. Agriculture and industrial development should go hand in hand; the farmers have never asked for special privileges; they only ask that they be permitted to enjoy the fruits of their toil and labor and have equal participation in the benefits and blessings of a free government.

In this as well as in other countries there have been measures and policies adopted, ostensibly for the benefit of agriculture, but which proved to be either valueless or injurious. Not infrequently plans have been suggested violative of economic laws or of the lessons of history, and their application has tended to the injury of the farmers rather than to their benefit.

During the past few years farmers, and, for that matter, all classes, have passed through a severe depression. The depression has not entirely vanished, and its unfortunate consequences will linger perhaps for many years to come. Abnormal conditions are often the parents of unwise laws and of disappointing policies. Too often in periods of economic or financial trouble the voices of doctrinaires and impractical individuals assume commanding influence and lead to the inauguration of disappointing and unfortunate policies.

I referred yesterday to legislation creating the Farm Board and to the unfortunate and evil results flowing therefrom. The policies of the Farm Board, instead of aiding agriculture, proved to be of great disservice to the farmers of our country. The farmers were led to expect great benefits under the policies that were adopted, but they were compelled to eat the fruits of grievous disappointment.

All of the problems and difficulties in our political, economic, and industrial life may not be successfully met by legislative enactments. Indeed, history has demonstrated that legislative bodies and legislative enactments have more frequently than otherwise aggravated unsatisfactory conditions and added to the burdens which the people were compelled to bear. It will be conceded, of course, that special privileges may be provided by legislative enactments and that favoritism may be shown in behalf of groups or sections or industries.

As I have indicated, the farmers are not demanding discrimination in their favor, or subsidies and bounties at the expense of others. I believe that they only desire that just laws and sound economic principles shall prevail. They are willing to suffer when all suffer; they desire to prosper when the fruits of prosperity are enjoyed by all.

I cannot divorce myself from the conviction that the measure under consideration, if enacted into law, will in the long run prove disappointing to those engaged in agriculture. I feel reasonably certain that if the authority which is sought to be conferred upon the Secretary of Agriculture and the agencies and organizations that under the bill will be created is exercised as by the measure authorized, further efforts will be made by bureaucratic agencies and those who favor a powerful central government and the striking down of the States and local self-government, as well as individual rights, to introduce into our political and industrial life policies and principles at variance with democratic institutions and hostile to the principles of free government as they have found expression in the life of this Republic.

This bill, if enacted into law, will be regarded as a precedent for further legislation calculated to control individual conduct and to subject the economic and industrial life of the people to a system of regimentation inconsistent with liberty and obnoxious to the views of free men.

In this, as well as in other countries, artificial measures have been resorted to for the stimulation of trade and for the benefit of groups and sections. Undoubtedly subsidies, bounties, and legislation providing special privileges will bring temporary benefits from such discriminatory policies and legislation. Artificial prices may bring temporary benefits but artificial stimulation may not be continued indefinitely, and with its termination injurious consequences will prove inevitable. Wealth is the product of toil and labor. It does not result from the destruction of products. When Sherman marched to the sea all forms of property for hundreds of miles was destroyed. Cotton fields were laid waste and agricultural products were destroyed. The things destroyed were capital; they constituted a part of the wealth of the country. There are hundreds of millions of people in the world without adequate food supplies or clothing to meet their needs. In my view, a sound economic policy as applied to agriculture and industry calls for increased production, which means an increase in the capital of individuals and of the Nation.

The bill before us will not create more wealth, and aside from the restrictive provision upon capital production it creates and maintains an autocratic and bureaucratic system that will prove in the end intolerable to the American people.

But, Mr. President, I took the floor not for the purpose of making an extended address but rather to submit a few observations and to call attention to a number of communications which I have received bearing upon the provisions of the bill now under consideration. First, I desire to read into the RECORD a communication addressed to me which I received only a few days ago. It is as follows:

We are greatly alarmed over the effect which the amendments to the A. A. A. will have on the canning and growing of canning fruits.

Under these amendments now before the Senate (H. R. 8492) the President and the Secretary of Agriculture have unrestrained power to dictate to all canners the price which they shall pay growers for raw material, the quantity which each shall pack, and the method by which they shall grade the product. Although not as yet fully understood by growers, these powers obviously mean that in the final analysis the same control could be extended to each and every producer of fruit. These powers are vested in the President and the Secretary and may be exercised even against the will of each and every fruit canner in the country. No more drastic or unfair assumption of power has ever in our judgment been before the Congress.

Attached are the proper references in the bill to support fully the above statement.

We respectfully urge that you vote against the bill, not alone on account of its effect on the entire fruit industry but on the consuming public as well, and further because it is a despotic misplacement of arbitrary power over the Nation's food supply and is contrary to American principles.

Yours truly,

CANNERS LEAGUE OF CALIFORNIA,
PRESTON MCKINNEY, *Vice President.*

The memorandum referred to in the letter is as follows:

The canner who has developed over a long period of years, at considerable expense, the present world market for California canned products, adds in actual cost to him for labor, cans, sugar, boxes, labels, and carrying costs, over twice the price he pays for the fruit. Thus, with an acceptable and highly profitable price to the grower, the actual cost to the canner is roughly 30 percent for fruit and 70 percent for the costs above enumerated. Therefore, the stake of the canner is far greater than the stake of the

grower, and the canner's position is different from that of the processor of most other agricultural products.

Despite these facts, the bill provides in section 6, under the heading "Terms—other commodities", that orders issued by the Secretary with the approval of the President may, against the will of any or all of the fruit canners, bring about the following:

Page 16, line 20, subsection (A): Limit the total quantity of canned fruit or the quantity of any grade or size of canned fruit which a canner may transport or market.

Page 17, line 1, subsection (B): Limit the quantity or the grade or size of fruit which any canner may purchase from producers.

It will be conceded, I believe, that unlimited power under this language is conferred upon the Secretary of Agriculture and may be exercised through agents appointed by him. The authority granted in this provision is similar to them which is found in the regulations promulgated by the Secretary of Agriculture dealing with the milk situation in the Los Angeles area. Yesterday I called attention to these regulations, which I denominated a "code of laws" and showed their autocratic and unlimited authority in dealing with producers and distributors of milk.

Think of the arbitrary power which is thus to be conferred: Under it a representative or agent of the Secretary of Agriculture in Arizona, or California, or Utah, or elsewhere, would be authorized to determine the quantity or the grade or the size of fruit which canners may purchase from the producer.

Page 17, line 12, subsection (C): Allot the amount of canned fruit which any canner may market in each and all markets, by sizes and grades, or otherwise.

Mr. President, I am amazed that such an unlimited grant of authority should be desired by the Secretary of Agriculture and his associates.

Page 18, line 1, subsection (D): Determine the existence and extent of any surplus in the hands of a canner, or canners, and take over the control and disposition of such surplus.

Page 18, line 8, subsection (E): Establish reserve pools of any canning fruit or canned fruit, and distribute the net returns from such pools.

Under this provision, as I read it, agents of the Secretary of Agriculture would be authorized to enter any State and declare that pools of canning fruit or canned fruit should be established. In other words, that the fruits referred to should be under the control of such agents to the extent that they could not be dealt with by the producers in violation of the determination that they should become part of established pools. In addition, the agents are authorized to distribute the net returns from such pools; that means that the agents will have authority to concentrate in pools such fruit or fruits as they may desire to exercise their authority over, and also to distribute—that is, to sell or handle—the same as they may see fit. Under this provision it would seem that the producers of the fruits referred to were to lose jurisdiction or control over the same and the agent of the Secretary of Agriculture was to have unlimited authority to determine just what disposition should be made of the same.

Page 18, line 13, subsection (F): Fix the minimum prices which a canner must pay to a grower for the raw material he purchases.

I said yesterday, and I repeat, that the most offensive and objectionable feature of the National Recovery Act was that which permitted price fixing, often by devious and not by open and fair methods; but here, probably encouraged by the assured acceptation by the people of the provisions of the National Recovery Act for price fixing, the Agricultural Department now comes out boldly and demands, through this bill, the authority to fix the prices which shall be paid and the amounts which shall be purchased by the canners.

That this power is absolute, even though against the will of any and all canners, is clearly set forth in the bill as follows:

Page 21, lines 3 to 25, inclusive; page 22, lines 1 to 25, inclusive; and page 23, lines 1 to 6, inclusive.

The existence of such absolute power is clearly evidenced on page 9 of the report accompanying the bill, Senate Report No. 1011.

You will note these paragraphs provide that any order issued pursuant to this section shall become effective, notwithstanding the refusal or failure of canners to sign a marketing agreement.

Thus, the Secretary of Agriculture could arbitrarily, by administrative order, take over the entire operations of the fruit-canning industry insofar as prices, size of pack, grading, and allocation of markets are concerned.

Mr. President, I have a number of telegrams and letters from my State in regard to this bill. I take the liberty of calling attention to two or three of them.

OGDEN, UTAH, *June 11, 1935.*

Senator WILLIAM H. KING,
Senate Office Building, Washington, D. C.:

Canning industry Utah seriously disturbed by A. A. A. amendments proposed by administration and presented to House Agricultural Committee June 5. Control of processors and distributors contemplated by these amendments so drastic that Secretary will have power arbitrarily to dictate prices to be paid growers which are now worked out harmoniously each year between Cooperative Growers Association and Canners Association; also to dictate prices for which canners may sell their products. As prices must meet the competitive situation in various markets where sold this means the Secretary can also dictate where and to whom we can sell, which, in turn, means he has power to break down and destroy markets which we have spent years of time in establishing. These drastic powers, with others proposed in the amendment, mean that our businesses will be entirely dictated from Washington. Our State association has just taken action with respect to maintenance of wages intended to avoid any demoralizing effects from abolition of N. R. A. and the spirit of our entire industry here is one of cooperation and a desire for constructive action, but we are unanimously opposed to the proposed delegation of such sweeping power and control over our businesses. We ask your vigorous assistance, as our Representative, to protect us from this proposed Government control.

UTAH CANNERS ASSOCIATION,
By FRANK A. JUGLER, *Secretary.*

OGDEN, UTAH, *June 12, 1935.*

Senator WILLIAM H. KING,
Senate Office Building, Washington, D. C.:

Our views on triple A amendments, proposed by the administration, contained in telegram of even date from Utah Canners' Association. Would appreciate your assistance in helping our industry to survive.

UTAH FISH CANNING CO.

WOODSCROSS, UTAH, *June 14, 1935.*

Senator WILLIAM H. KING,
Senate Office Building:

Woodscross Canning Co. opposed to A. A. A. amendments presented to House committee, June 5, account of power invested in Secretary to dictate prices to be paid growers and how and where goods can be sold. This company is paying wages set up under N. R. A. and is working in harmony with growers.

WOODSCROSS CANNING CO.

I have another telegram reading as follows:

OGDEN, UTAH, *February 26, 1935.*

Senator W. H. KING,
Washington, D. C.:

We protest the passage of Senate bill 1807 and House bill 5585 as the bills give the Secretary of Agriculture unlimited powers, which could be used in such a way that the canning industry in Utah could be seriously injured. Also we think the giving of unlimited power to anyone is undesirable. This represents 100 percent of Utah canners.

UTAH CANNERS' ASSOCIATION.

I have a letter from the Rocky Mountain Packing Corporation, signed by Mr. Harold P. Fabian, president, excerpts from which I ask may be inserted in the RECORD without reading.

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

The letter is as follows:

* * * * * * *

While the canning industry is not talked about very much here (I suppose that is because such a large part of our product is marketed in outside markets), nevertheless it is a substantial and fundamental industry for the State of Utah. Our Utah valleys produce an exceptionally fine quality of vegetable products. The production capacity of our farms is very much in excess of the local consumption. Hence, in order to find an outlet for these farm products that will permit full use of that portion of our farm acreage suitable for such products, it was necessary to find a way to transport the products over hundreds of miles of desert and to hold them in storage over months of time. The canning factory, its warehouse facilities, and marketing outlets is the instrument that has been developed to do this. As a result of many years of experience and patient building of market channels, Utah canned products are now sold in large quantities in both Los Angeles and San Francisco territories in the Pacific Northwest, and as far east as New York and Boston, and as far south as New Orleans. Notwithstanding the handicap which we are always under here in Utah, by reason of freight rates, these markets have been built up in face of severe competition as a result of our quality product and years spent in establishing channels of distribution.

A disruption for even one season in the flow of our products through their established channels of distribution would do us

great harm. It would not only mean our goods were out of the consumers' use during that time, but that goods of other sections would take their place. One experienced in food marketing can readily understand how destructive that would be and how much time and effort would be required to repair the damage done. Like so many other fields of commerce and industry, the established flow of products from the farm through the cannery, the broker, the jobber, and the retailer to the consumer is a delicate fabric, and only years of experience and practical knowledge and understanding can protect it. You can therefore well appreciate with what consternation the canners met in a State-wide convention the day before I sent you my wire, to protect themselves from the threat of having this entire industry taken out of their own hands and placed in the control of an official in Washington. A single mistaken order, made with the best intentions in the world, could do untold harm to the canning industry in this section. I think I expressed in my wire to you the principal points involved. I assure you the protest I voiced is not only that of our own company but also that of the other canners in the State. It is made with the utmost sincerity and firm belief that the proposed amendments would most seriously threaten our industry and the welfare of the farmers dependent on it.

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Mr. KING. Mr. President, just one moment, and then I shall yield the floor.

The Senator from Massachusetts [Mr. WALSH] yesterday asked me in regard to the number of cases pending in the courts challenging the validity of the Agricultural Adjustment Act. I have here a list of most of the cases. I am pursuing the inquiry further, and when we take up the bill for consideration a little later I hope to bring the list down to date. My attention was called a few moments ago to the Washington Post of this morning, which contains an Associated Press dispatch from Minneapolis. I crave the indulgence of the Senate while I read from this report:

MINNEAPOLIS, July 11.—A three-judge tribunal of the Federal district court today held "there was probable cause to believe" the A. A. A. processing taxes were unconstitutional and refused to rescind a temporary order barring their collection from 14 large milling concerns and two coplaintiffs.

Declining the Government's motion to dismiss petitions of the firms, the court decided their pleas for permanent injunctions and a testing of the constitutionality of the Agricultural Adjustment Act would be heard at its September term.

The court, which included Judges M. M. Joyce, Joseph Molyneaux, and Gunnar H. Nordbye, gave the petitioners, several of whom had made an issue of only 1 month's taxes, the additional right to apply for an extension of the injunctions due in subsequent months. The suits covered more than $1,000,000 in taxes owed as of July 1.

In declining United States District Attorney George Sullivan's request for the vacation of the temporary writs, the court agreed:

"The so-called 'tax' is imposed to raise funds not for the support of the Government but for the benefit of a private class of individuals; it is an attempt on the part of the Federal Government to regulate production within the States," and "an unlawful delegation of legislative authority to the executive officers of the Government."

Pending amendments to the Agricultural Adjustment Act, which, if passed, would deprive processing-tax payers of the right to contest such payments, figured in both arguments and the court's opinion.

"With enactment of his proposed legislation," said the court, "there will be summarily withdrawn any such opportunity for legal remedy for a refund of taxes improperly assessed and paid.

"Plaintiffs are placed in a dilemma from which the only means of relief is invoking the equitable jurisdiction of this court," said the opinion.

"Common prudence justifies the apprehension that the uncontroverted status of the bill creates an imminent threat to the rights of these plaintiffs, and therefore is presented an appropriate case for the exercise of the equitable protection of the court."

Most of the 14 flour mills involved are subsidiaries of General Mills, Inc. The Harvey Paper Bag Co. and the J. T. McMillan Packing Co. were the other plaintiffs.

Mr. JOHNSON. Mr. President, the Senator from Utah [Mr. KING] has seen fit to read a letter he received from the State of California concerning this amendment, or which he applies to this amendment. That is his right, and with it I do not quarrel; but it should be observed that the letter which he read was from a gentleman who is engaged in packing and canning; and what he read made it very plain that the controversy which exists in the State of California, at least upon this subject, is a controversy between farmers on the one hand and canners on the other.

So there is not any difficulty in my choosing in this contest, and there ought not to be any difficulty in anybody else choosing, because nearly 80 percent of the canning of fruits that is done in the United States of America is done in the State of California. So we have here now plainly the contest—the canner on the one side, the producer on the other—and we can make our choice. We have as well what is presented here logically—a regulation, a determination, a method of control of a part of the fruit that is raised in the United States, and then a special favor to a canner, or somebody who is in the business of canning a part of that fruit.

What ought to be done under the circumstances by men who wish to do justice and to understand the situation? What should be done here? Farmers come as suitors to this body. They say, "We are raising fruit. We submit ourselves to this bill." We say to them, "Oh, you may submit yourselves in part to this bill, but where you are concerned with the canning industry you cannot submit yourselves at all."

There is the issue. Choose ye between the farmer on the one side and the canner on the other!

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee on page 11, line 4.

Mr. GEORGE. I call for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. SMITH. Mr. President, a parliamentary inquiry. As I understand, those who are for the committee amendment striking out the exemption of canners will vote "yea."

The PRESIDING OFFICER. Those who are in favor of including canning fruits within the bill will vote "yea." Those who are in favor of excluding canning fruits will vote "nay."

Mr. SMITH. I am afraid there is still a misapprehension.

The PRESIDING OFFICER. The committee amendment brings fruits for canning within the bill; so that those who are for the committee amendment will vote "yea", and those who vote "yea" will vote for including canning fruits within the provisions of the bill.

Mr. SMITH. Very well.

The PRESIDING OFFICER. The clerk will continue the calling of the roll.

The legislative clerk resumed and concluded calling the roll.

Mr. DICKINSON. I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON], who is necessarily absent from the Chamber on official business. I transfer that pair to the senior Senator from Vermont [Mr. GIBSON] and vote "nay."

Mr. AUSTIN. I announce the necessary absence of my colleague [Mr. GIBSON], who if present, I am informed, would vote "nay."

Mr. TOWNSEND. I desire to announce the unavoidable absence of my colleague the senior Senator from Delaware [Mr. HASTINGS]. If present, he would vote "nay." My colleague has a general pair with the junior Senator from Utah [Mr. THOMAS].

Mr. LEWIS. I desire to announce the following general pair on this question:

The Senator from Pennsylvania [Mr. GUFFEY] with the Senator from Wisconsin [Mr. LA FOLLETTE].

I wish also to announce that the Senator from Tennessee [Mr. BACHMAN], the Senator from Washington [Mr. BONE], the junior Senator from Arkansas [Mrs. CARAWAY], the Senator from Massachusetts [Mr. COOLIDGE], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Nevada [Mr. PITTMAN], the Senator from Arkansas [Mr. ROBINSON], the Senator from New York [Mr. WAGNER], and the Senator from Montana [Mr. WHEELER] are detained on important departmental matters.

I wish further to announce that the Senator from Alabama [Mr. BLACK], the Senator from Indiana [Mr. MINTON], and the Senator from Washington [Mr. SCHWELLENBACH] are detained in a meeting of the Lobby Committee.

I desire further to announce that the Senator from West Virginia [Mr. HOLT], the Senator from Louisiana [Mr. LONG], and the Senator from Utah [Mr. THOMAS] are detained on important public business.

I wish to announce that the Senator from Nevada [Mr. McCARRAN] is absent on account of a death in his family.

Mr. COPELAND. I wish to announce the absence of my colleague the junior Senator from New York [Mr. WAGNER], who is officially detained. If present, he would vote "nay."

Mr. NYE. I wish to announce that my colleague the senior Senator from North Dakota [Mr. FRAZIER] is detained in a Senate hearing. If present, he would vote "yea."

The result was announced—yeas 29, nays 46, as follows:

YEAS—29

Bankhead	Connally	McKellar	Sheppard
Barkley	Costigan	Murphy	Shipstead
Bilbo	Donahey	Murray	Smith
Borah	Hatch	Norbeck	Thomas, Okla.
Bulow	Hayden	Norris	Truman
Burke	Johnson	Nye	
Byrnes	McAdoo	Overton	
Capper	McGill	Pope	

NAYS—46

Adams	Davis	King	Russell
Ashurst	Dickinson	Lewis	Schall
Austin	Dieterich	Logan	Steiwer
Bailey	Duffy	Lonergan	Townsend
Barbour	Fletcher	McNary	Trammell
Brown	George	Maloney	Tydings
Bulkley	Gerry	Metcalf	Vandenberg
Byrd	Glass	Moore	Van Nuys
Carey	Gore	Neely	Walsh
Chavez	Hale	O'Mahoney	White
Clark	Harrison	Radcliffe	
Copeland	Keyes	Reynolds	

NOT VOTING—21

Bachman	Frazier	Long	Thomas, Utah
Black	Gibson	McCarran	Wagner
Bone	Guffey	Minton	Wheeler
Caraway	Hastings	Pittman	
Coolidge	Holt	Robinson	
Couzens	La Follette	Schwellenbach	

So the amendment of the committee was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House insisted upon its amendments to the bill (S. 2796) to provide for the control and elimination of public-utility holding companies operating or marketing securities in interstate and foreign commerce and through the mails, to regulate the transmission and sale of electric energy in interstate commerce, to amend the Federal Water Power Act, and for other purposes, 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. RAYBURN, Mr. HUDDLESTON, Mr. LEA of California, Mr. COOPER of Ohio, and Mr. HOLMES were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendments of the Senate to each of the following bills of the House:

H. R. 4751. An act to amend section 24 of the Interstate Commerce Act, as amended, with respect to the terms of office of members of the Interstate Commerce Commission; and

H. R. 4760. An act to increase the statutory limit of expenditure for repairs or changes to naval vessels.

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. 5599) to regulate the strength and distribution of the line of the Navy, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6453) to amend the act of May 13, 1924, entitled "An act providing for a study regarding the equitable use of the waters of the Rio Grande", etc., as amended by the public resolution of March 3, 1927; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MCREYNOLDS, Mr. BLOOM, and Mr. FISH 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 President pro tempore:

S. 883. An act directing the retirement of acting assistant surgeons of the United States Navy at the age of 70 years;

S. 2779. An act to authorize the conveyance of certain lands in Nome, Alaska;

H. R. 2566. An act for the relief of Percy C. Wright;

H. R. 5393. An act for the relief of Moses Israel;

H. R. 5599. An act to regulate the strength and distribution of the line of the Navy, and for other purposes; and

H. J. Res. 347. Joint resolution to provide for the compensation of pages of the Senate and House of Representatives from July 1, 1935, until the close of the first session of the Seventy-fourth Congress.

USE OF WATERS OF THE RIO GRANDE

The PRESIDING OFFICER (Mr. ADAMS in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 6453) to amend the act of May 13, 1924, entitled "An act providing for a study regarding the equitable use of the waters of the Rio Grande", etc., as amended by the public resolution of March 3, 1927, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PITTMAN. I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. PITTMAN, Mr. CONNALLY, and Mr. JOHNSON conferees on the part of the Senate.

AGRICULTURAL ADJUSTMENT ADMINISTRATION

The Senate resumed the consideration of the bill (H. R. 8492) to amend the Agricultural Adjustment Act, and for other purposes.

Mr. METCALF obtained the floor.

Mr. JOHNSON. Mr. President, may I submit a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSON. I have presented and had printed an amendment to the particular section under discussion, and I do not know whether it would be admissible to call it up now while we are on the committee amendments or whether I must await the presentation of amendments other than committee amendments.

Mr. SMITH. Mr. President, I think it would be better for us to finish the consideration of committee amendments which were passed over and then take up individual amendments.

Mr. JOHNSON. Very well.

Mr. FLETCHER. Mr. President, will the Senator from Rhode Island yield?

Mr. METCALF. I yield for a question.

Mr. FLETCHER. Involved in the vote just taken was the amendment on page 16 in the same language found in the amendment just voted on. Can we not have that settled now? The Senator from Georgia will recall that the language on page 16 is the same as that we have just passed on. The vote would be the same, I take it, and I think we might dispose of that now.

Mr. JOHNSON. That is in a different category, I think. We had better wait until we reach it.

The PRESIDING OFFICER. The Senator from Rhode Island has the floor.

Mr. FLETCHER. I thought we might dispose of the matter.

The PRESIDING OFFICER. If the Chair understands the inquiry of the Senator from Florida, he points out that the language in the amendment on page 16 is substantially identical with that on which the Senate has just acted.

Mr. FLETCHER. Exactly.

The PRESIDING OFFICER. And that the sentiment of the Senate would naturally result in the same vote on that amendment.

Mr. FLETCHER. That is correct. I was inclined to think we ought to dispose of it now. We might take a vote on the amendment on page 16 and dispose of that at this time.

Mr. SMITH. Mr. President, I think it would expedite matters, since identically the same words occur on page 16, and I ask unanimous consent that the Senate now take a vote on that amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will state the amendment.

The CHIEF CLERK. On page 16, line 8, after the word "apples", the committee proposes to strike out the words "and not including fruits for canning."

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

The amendment was rejected.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Idaho?

Mr. METCALF. I yield.

Mr. BORAH. If I may have the attention of the chairman of the committee, the other amendment on page 11, where the committee proposes to insert the words "soybeans, hops, package bees and queen bees, poultry", has not as yet been acted upon?

The PRESIDING OFFICER. That amendment has not as yet been acted on.

Mr. SMITH. The ruling of the occupant of the chair who just preceded the present occupant of the chair was that the amendment had been acted on, but that action was reconsidered. So that amendment will have to be acted on.

Mr. BORAH. I suggest that those different subjects should be considered as different amendments. There is one item there, namely, poultry, which I should like to have acted upon separately.

Mr. BANKHEAD. Could not the Senator accomplish what he desires by an amendment to strike out the word "poultry"?

Mr. BORAH. I can do that; but I do not want the Senate to act upon that today. The Senate may act upon the other items, so far as I am concerned, and I do not know that I will make a motion in regard to the matter at all. I am simply in communication with people who desire to be heard on the subject.

Mr. SMITH. Let us have a vote on the remaining part of the amendment, with the exception of the word "poultry."

The PRESIDING OFFICER. The Senator from Rhode Island has the floor.

Mr. METCALF. Mr. President, I prefer not to yield at present. Of course, I always like to oblige my distinguished friend the Senator from South Carolina, but if he will allow me to continue, it will only take me a short time to complete what I have to say.

Mr. SMITH. I certainly do not wish to interfere with one of the few friends I have in the Senate. [Laughter.]

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). The Senator from Rhode Island declines to yield.

Mr. METCALF. Mr. President, we of the Senate constitute the higher of the two bodies of Congress. We recently decided that no man is a Member of the Senate until he has taken an oath of office which I shall read:

> I, * * * do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

In order to become a Senator we took an oath to "bear true faith and allegiance" to the Constitution. We swore our allegiance only to that document and promised to well and faithfully discharge the duties of our office. Nowhere, either in the Constitution or in the generally accepted responsibilities of the Senate, may be found any intimation that we are obligated to do the bidding of any other Department of the Government. On the contrary, our oath of allegiance is first to the Constitution. A similar oath is taken by all Federal officers.

The Congress, through one of its Members, has just received a most appalling and remarkable document. It was addressed indirectly to this body from the executive arm of the Government and it suggested that we adopt certain legislation regardless of our doubts as to its constitutionality. In other words, we are asked not to bear true faith to the Constitution, but to bow to the executive arm of the Government in respect to its demands for action. The duty of the Executive, as set forth in the Constitution, is to report upon the state of the Nation and to recommend action for the public good. There is no provision that any law or any act may be demanded. There is no provision for "must" legislation.

If we are to adopt the philosophy that the legislative is to be in any degree subject to the Executive arm of the Government we must accept full responsibility for that act. Whether or not the Executive may wish to lay on the doorstep of the Congress the blame for passage of unconstitutional laws in order that the people may become impressed with the presumed limitations of the Constitution, and thereby amend it, is a matter for grave conjecture. There can be no law of sufficient importance to warrant our ignoring the independence of the Congress. We are the elected representatives of the people and we should represent them within the reasonable limitations established by those who founded the Government. To amend the Constitution is a tedious process. It was so intended in order that we might be protected from rash acts which we might ourselves undertake in a moment of panic.

We are facing the proposition of whether we are to discharge our responsibilities as an independent establishment of the Government, or whether we are to become a voluntary adjunct to that branch which was created to administer our laws. We have already abdicated some of our power to make treaties; we have bestowed upon the Secretary of Agriculture many of our responsibilities in regard to taxation; we have deprived the States of powers expressly reserved for them; we have authorized a department head to interfere with the laws of nature and regulate the marketing and the prices of the necessities of life; and we have approved the production and sale of electric power by the Government itself.

Now, it is proposed that we go further and adopt amendments to the A. A. A. which are an unwarranted delegation of power to the Secretary of Agriculture. These amendments mark a new high in the surrender of our legislative powers and the shirking of our direct obligations to the American people. They give to the Secretary of Agriculture the power to define fair trade practices and to impose them upon industry without even the concurrence of a majority of the industry involved. One man has been given the authority to force marketing agreements on those engaged in industrial and agricultural pursuits and to regulate the manner in which their products are distributed.

Certainly no emergency exists which can justify such extraordinary action on the part of Congress. The Secretary of Agriculture has already demonstrated the utter futility of this program. While acting in the hope of assisting one portion of our citizenry, he manages to virtually destroy another. One needs only to examine the effects of his policies on the cotton and the cotton-textile industries to visualize what will happen to other industries if these powers are granted. Rather than consider legislation of this sort it would seem more to the interest of this country for the Congress to repeal some of that now being administered. The cotton-processing tax has long been the subject of much discussion and complaint throughout the country. The gradual disintegration of the cotton-textile industry is traceable directly to the processing taxes and the numerous regulations imposed upon that industry by this administration.

The manufacturers of cotton textiles are no longer able to compete in foreign markets with foreign producers of these goods, and they are likewise unable to sell their products within the United States because of abnormal prices created by the Secretary of Agriculture. If, instead of pursuing the vicious circle set in motion by the Secretary, we should stop this nonsense and repeal the processing tax, we might be able to rehabilitate the textile industry and at the same time give

the cotton farmer some hope of a stable and prosperous future. Formerly 40 percent of all cotton grown in this country was consumed here. What is the percentage now?

In April 1934, about 26,500,000 cotton spindles were in operation in the United States. In February of this year, it had fallen to 25,100,000. In March the number of spindles in operation declined to 24,900,000 and in April 23,800,000 were operated. In the New England States less than 60 percent of the cotton spindles in place were active during that month. In my State which had 1,689,000 spindles in place, less than 800,000 were active. The average number of hours these spindles were in operation during the month was only 114, the lowest in the country. The same situation exists throughout New England.

The strong and highly justified demand for repeal of the cotton-processing tax and for curbing the increasing importations of textiles has been quieted by a special committee appointed by the President to look into the cotton-textile situation. This committee is composed largely of men who have previously expressed strong approval of the cotton-processing tax, one of whom has declared that if anything took place, it would be an increase in the tax. We have heard little of the findings of this committee. What is the meaning of this inertia? Are they attempting to quiet the storm of protest against the policies which are wrecking the cotton-textile industry until the amendments we are now considering can be written into law? Are they trying to wear down the resistance of industries in New England and the South, which are now fighting for their very existence?

With these amendments we make a sort of Delphian oracle out of the Department of Agriculture, with the Secretary of that Department presiding as the sacred prophet. We authorize him to finance his guesses at the expense of the taxpayers of the Nation, and we give him the power to apply any one of several devices for increasing the prices of agricultural commodities. After making his guess as to what the sun and the clouds and the wind and the rain may do next year, the Secretary will use his divining powers as a basis for buying up and storing farm products, or for dumping them abroad with Government subsidies. He may pay bounties on that portion of basic crops needed for domestic consumption and these payments will be in addition to rental and benefit payments. Are these amendments given in answer to the desperate prayer of the cotton textile regions for relief from the burden of the processing tax? Are we answering this prayer by making it no longer mandatory upon the Secretary to reduce processing taxes after parity prices are reached? He may go on and on forever, reaching into the pocketbooks of the American people for money to finance his dictatorship.

Furthermore, there is a question as to whether or not this bill is simply a deceptive move to continue the A. A. A. in spite of its unconstitutionality. There are many who believe that this is one of the principal reasons it is pending in Congress.

New England has little agriculture, and if these wild experiments continue it will have little industry. The people of New England are working almost as hard to earn money to pay the farmers to plow under their crops as they are working to feed and clothe their own children. With one hand the Secretary of Agriculture is emptying our pocketbooks and with the other he is making it impossible for us to replenish them. It is claimed that it is now necessary to put a tax on rayon because it competes with cotton, and it is claimed necessary to put a tax on silk because it competes with rayon. We are setting in motion a vicious circle which has no end—no end unless it be the collapse of our whole economic system.

There is no good reason for continuing any of these processing taxes. Section 15 of this bill seeks to levy a compensatory tax on rayon in direct violation of the mandate of Congress in the original Agricultural Adjustment Act. Rayon is not a basic commodity and any levy must be in the nature of a compensating tax to be adopted after due hearing and investigation. Has a hearing been granted the industry? The placing of a tax on rayon or any product competing with a basic commodity is the responsibility of the Secretary of Agriculture under the present law. Has he been unable to find ground for such a tax and is he now attempting to use the Congress as a means for levying those few taxes for which he can find no excuse under the law?

To place a tax on any commodity without a hearing or investigation is certainly a most unfair and unwise practice and one in which the Senate should not indulge. If the Secretary of Agriculture wishes to do so, that is his responsibility. No compensating tax has been placed on rayon to this date, and it is within the power of the Secretary to do so after establishing a need for it. What is the peculiar situation which prompts an action such as this?

We should delete all these processing taxes and finance our agricultural program from the General Treasury. We can expect nothing from this burden of taxes except an influx of competing goods from abroad and a further curtailment of our domestic market for our textiles. Consumer resistance cannot be regulated by law nor overcome by propaganda.

Not only are we authorizing the executive arm of the Government to impose taxes and to tamper with the natural laws of economics and of nature, but we are as well authorizing that branch to tamper with the orderly procedure of our courts. It is astonishing that we will even consider amendments which are so radical and far-reaching that they will prevent a taxpayer from recovering money illegally and unconstitutionally collected by the processing tax. The administration seeks to prevent taxpayers from securing refunds and to enable the Government to collect and keep taxes assessed even though they be declared unconstitutional. The bill provides that no suit shall be brought or maintained in the courts for a refund of processing taxes previously paid.

It further provides that a taxpayer shall not be permitted to obtain a declaratory judgment nor to secure a decision from the courts as to the validity of a tax. The attempt to deprive the taxpayer of every remedy to secure a refund of processing taxes previously paid is but a bare-faced repudiation of a Government obligation. It is in no way to be distinguished from the repudiation of a Government bond or other legitimate obligation. The proponents of the bill declare this is justified on the ground that the taxes paid have been passed on to the consumer. Is Congress possessed of such rare wisdom that it is able to determine that taxes have in all cases been passed on to the consumer? Those cotton mills that have lost hundreds of thousands of dollars during the past 2 years since the A. A. A. was enacted will doubtless be somewhat surprised at this arbitrary finding of fact without investigation.

The issue here involved is not the narrow question of whether or not the taxpayer should be deprived of all remedies with respect to the processing tax, but whether the Federal Government should be permitted to collect from the citizens of the country, in the guise of taxes, and retain as its own, without remedy on the part of the taxpayer, money to which it may have no lawful right. If this can be done, property in unlimited amount can be taken from our citizens without regard to constitutional limitations and devoted to such purposes as the Federal Government may in its absolute discretion see fit. It should be no answer to say in any case that the burden of the tax has been passed on to another, particularly where the tax has not in express terms been so transferred.

The question is one between the Government and the person who paid the tax; and if the tax was improperly collected, the money should be returned to the person paying it. Whether he should be permitted to keep it or should be required to pay the whole or part of the sum refunded to someone else is an entirely separate and independent question. Should it be desired as a means of protecting third persons who may have an interest in the refund, to permit them to intervene in any tax suit brought to secure such refund, this, of course, would be entirely proper and unobjectionable; but the Government should not be permitted to retain a tax illegally collected on the mere ground that it

is not clear whether the person who paid the tax, if he recovers it, will be required to share the refund with someone else.

In the case of the processing tax the Government is acting as an intermediary for the transfer of money from one person to another. Is this a true tax for the general welfare or is the Government unconstitutionally acting as a collecting and disbursing agency? If it is a true tax, the funds should be used for the general good instead of benefits for a specific group, and if the converse is true, the tax is obviously unconstitutional.

This then is the administration's answer to the urgent appeal of the cotton-textile industry for relief from the processing tax. The tax is to be continued even though unconstitutional.

It has been almost exactly 300 years since the followers of Roger Williams sought relief from autocratic oppression and settled on the shores of Rhode Island. In his pocket he carried the first constitution adopted on these shores. The signature of all settlers was required to that document. I think this is an appropriate time to read it:

We whose names are hereunder written, being desirous of to inhabit in the town of Providence, do promise to submit ourselves in active and passive obedience to all such orders or agreements as shall be made for public good of the body, in an orderly way, by the major consent of the present inhabitants, masters of families incorporated together into a township, and such other things and they shall admit into the same, only in civil things.

This then was the origin of free government on these shores. Are we to destroy the work of three centuries by impulsive and rash acts sought from us by the executive arm of our Government?

Mr. DICKINSON. Mr. President, yesterday afternoon we had discussion with reference to a provision of the pending bill which would prevent the courts from entertaining petitions for injunction to prevent the collection of taxes. In view of the suits being started, some 150 or 160 in number, I think it is fair to state that it is on account of the fact that the bill attempts to deny the taxpayer his remedy for a refund of the tax paid that the suits are being entertained by the Federal judges.

In cooperation with others I have prepared a rather careful brief on this subject, which I ask may be printed in the RECORD at this point following these remarks for the information of the Senate.

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

MEMORANDUM ON TAX PROVISIONS OF H. R. 8492 (AMENDING THE AGRICULTURAL ADJUSTMENT ACT OF MAY 12, 1933, AS AMENDED)

I. LIMITATION ON SUITS FOR REFUND OF TAXES PAID PRIOR TO THE PROPOSED AMENDMENT

Section 32, on page 57, et seq., of H. R. 8492 as reported by the Senate Committee on Agriculture and Forestry provides:

"The Agricultural Adjustment Act, as amended, is amended by adding after section 20 the following new section:

"'SEC. 21. (a) No Federal or State court shall have jurisdiction to entertain a suit or proceeding against the United States or any collector of internal revenue or other internal-revenue officer, or any person who has been such a collector or officer, or the personal representative of any such collector, officer, or person (nor shall any such suit or proceeding be brought or maintained in, nor shall any judgment or decree be entered by, any such court) (1) for the recoupment, set-off, recovery, refund, or credit of, or on any counterclaim for, any amount of any tax, interest, or penalty assessed, paid, collected, or accrued under this title prior to the date of the adoption of this amendment, or (2) for damages for the collection thereof. Except pursuant to a final judgment or decree entered prior to the date of the adoption of this amendment, no recovery, recoupment, set-off, refund, or credit of, or counterclaim for, any amount of any tax, interest, or penalty assessed, paid, collected, or accrued under this title prior to the date of the adoption of this amendment shall be made or allowed. The provisions of this subsection shall not apply to (1) any overpayment of tax which results from an error in the computation of the tax, or (2) duplicate payments of any tax, or (3) any refund or credit under subsection (a) (reduction of tax if Secretary of Agriculture in his judgment determines that it will increase consumption of processed goods) or (c) (processed goods delivered to any charitable organization for its own use) of section 15, under paragraph (1) of subsection (e) of section 16 (adjustment to conform to current change in rate of tax determined by Secretary of Agriculture), or under section 17 (exports) of this title, or (4) any refund or credit to the processor of any tax paid by him with respect to articles exported pursuant to the provisions of section 317 of the Tariff Act of 1930.'"

The report (No. 1011) of the Committee on Agriculture and Forestry of the Senate states (p. 23) that:

"The practical effect of this provision will be to prevent any refunds of taxes already collected upon the ground that the act or the actions of the Secretary thereunder are illegal. The justification for such a provision denying refunds is found in the fact that the taxes paid have been passed on to the consumer. The constitutional basis for such a provision is found in the power of the United States at any time to assert its sovereign right not to be sued, and the power of Congress to determine the jurisdiction of the courts."

(a) Alleged justification for the provision

The reason given by the Senate committee, as well as that publicly assigned, for this proposed amendment, is that the processors who have paid these taxes have passed them on and should not now be entitled to recover. This premise is not justified in many cases. These taxes were not usually added to the invoice, as were certain automobile excise taxes (sec. 424 (a) of the Revenue Act of 1928). They were, in substance and fact, one of the costs of the raw material (cotton, wheat, etc.) which was added to the other manufacturing costs going into the finished product. The manufacturer then had to sell his product on the market in competition with others.

For instance, the selling prices of some textile goods (by trade practice and custom) bear a fixed relation to one another dependent upon their quality—e. g., cotton shirts at $1, $1.50, and $2. The margin of profit in the case of the lowest price is so small that it would not permit the retailer merely to add the tax to the selling price and still keep his market. The margin of profit on the higher-priced goods would be more apt to take care of the tax. If he added the tax to the selling price of the lowest-priced goods, but did not increase the standard price of the next higher grade of goods by the amount of the tax (because the margin of profit on the latter is already sufficient to cover the tax), he would be violating the trade custom of a fixed ratio between the prices of the various classes of goods. This would lead to sales resistance and would tend to reduce the consumption of goods contrary to the purpose of the Agricultural Adjustment Act. Accordingly, the retailer would not assume the burden of the tax on the lower-priced goods, and the wholesaler therefore could not pass it on.

We have been advised that the rayon manufacturers have for some time been selling their products at cost—presumably by reason of Japanese competition. If a tax is now imposed on rayon (as proposed by section 15 of the amendment as reported by the Senate committee), the manufacturers cannot possibly pass it on, because if they should increase the selling price (at cost) they would lose even such part of the market as they have so far been able to retain. This is but another illustration of the impossibility of passing on the tax.

The processing tax cannot be identified in the selling price with any more certainty than any other item of manufacturing cost—and, if the processor did not receive sufficient income to offset his costs and provide a reasonable return upon his capital, or if he operated at a loss, which was frequently the case, it is difficult to justify the assumption (as a reason for the statutory provision) that the processor was reimbursed for processing taxes any more than for any other type of expense. In such cases it is most certain that some of the manufacturing costs have not been recovered and therefore have not been passed on.

For example, many cotton mills during 1934 were not earning a reasonable return upon their investment (National City Bank Bulletin on Economic Conditions, Apr. 1935, p. 58), and from the middle of 1934 operated at a loss (Report of Federal Trade Commission on Textile Industries, pt. I, relating to investment and profit, Dec. 31, 1934, p. 10). Certainly an industrial group which has operated at a loss has not passed on all its expenses and costs. It is difficult to predicate upon these facts an assumption that the processor has been reimbursed for the processing tax and thus passed it on, but has not been reimbursed for some of the other costs. While the theory asserted may have been that the mills should only act as a collecting agency for the processing tax, the practical situation is that the tax became a part of the increased cost of the raw material, and the processor has not been able to increase his sales price proportionately.

It has normally been necessary for the processor to pay the tax before receiving any reimbursement from the sale of the manufactured goods. With the prevailing unfavorable conditions and with the unfair competition fostered by overproduction, the tax, in part or in whole, could not, in many instances, be passed along. This added to losses already existing and increased the deficit. (Brief submitted by the Rhode Island Textile Association to the Governor's Committee to Investigate the Problems of the Textile Industry, Mar. 4, 1935.) The preliminary findings of the survey of the cotton-textile industry in New England (prepared by the New England Council, Mar. 22, 1935) includes the following statement:

"Practically every one of the 73 companies mentioned took pains to state their experiences with the processing tax and its effects on their respective businesses.

"Considerable diversity of opinion is shown in the returns as to the effects of this tax. There is, however, nearly unanimous agreement that current selling prices do not cover total costs. A few returns point out that for a time after the tax became effective, prices covered all costs, including the tax. (Recent Government statistics on cotton-textile profits, North and South, indicate that this must have been true for about the first year of the tax.)

"The relatively steady rise during the last 12 months in the price of raw cotton, an average increase per pound equal to if not greater than the 4.2 cents per pound tax may be the major reason why prices do not now cover costs. The majority of the manufacturers who replied say that they have had to absorb from 25 to 100 percent of the tax. This is because of the extremely competitive situation prevailing due to production being in excess of demand, the inroads into the domestic and also the foreign markets by Japanese and other foreign producers of cotton textiles, and the increasing resistance of consumers generally to any higher prices for cotton goods."

It is clear that the Senate committee's report stating "that the taxes paid have been passed on to the consumer", is incorrect in many cases—probably in the majority of them. There is, therefore, no blanket justification for the above proposed amendment.

(b) *Denial of due process*

The fifth amendment, as is well known, provides that no person shall "be deprived of * * * property without due process of law." This in itself is a substantive right guaranteed by the Constitution. Denial of due process therefore takes away a substantive right. All the Court decisions have held that Congress may not take away a right guaranteed by the Constitution even if it can limit the legal remedies.

"It must be confessed, however, that the constitutional meaning or value of the phrase 'due process of law', remains today without that satisfactory precision of definition which judicial decisions have given to nearly all the other *guarantees of personal rights* found in the constitutions of the several States and of the United States" (*Davidson* v. *New Orleans*, 96 U. S. 97, 101). (Italics supplied.)

Nevertheless, the Supreme Court has marked out certain limitations imposed upon the legislative power by the requirement of due process. Thus in *Murray* v. *The Hoboken Land & Improvement Co.* (18 How. 272), at 276, the Supreme Court made the following statement:

"* * * The Constitution contains no description of those processes which it was intended to allow or forbid. It does not even declare what principles are to be applied to ascertain whether it be due process. It is manifest that it was *not left to the legislative power to enact any process which might be devised.* The article is a restraint on the legislative as well as on the executive and judicial powers of the Government, and cannot be so construed as to leave Congress free to make any process 'due process of law', by its mere will." (Italics supplied.)

Judge Cooley, in his Constitutional Limitations (sec. 356), gave the following definition of due process:

"Due process of law in each particular case means such an exertion of the powers of government as the settled maxims of law permit and sanction, and under such safeguards for the protection of individual rights as those maxims prescribe for the class of cases to which the one in question belongs."

From the above it is clear that there are some safeguards which Congress must recognize in protection of a person's constitutional right. To deny all remedy in this instance is to deny the right itself—due process.

It has been held that "a denial by a State court of a recovery of taxes exacted in violation of the laws or Constitution of the United States by compulsion is itself in contravention of the fourteenth amendment" (*Carpenter* v. *Shaw*, 280 U. S. 363, 369). The phrase "due process" has the same meaning in the fifth and fourteenth amendments (*McGarvey* v. *Swan*, 17 Wyo. 120, 96 Pac. 697; *Hurtado* v. *California*, 110 U. S. 516, 535).

When the processing taxes were paid the taxpayer, by virtue of section 3224 of the Revised Statutes, could not enjoin their collection. It was understood, as the law permitted at the time, that claims for refund could be filed (on the ground that the taxes were unconstitutional or illegally imposed) and that if denied, suit could be brought for the refund. The courts, in upholding Revised Statutes, section 3224, have done so upon the understanding that another remedy was available to the taxpayer; that is, a suit to recover taxes paid after refund has been denied (*Dodge* v. *Osborn*, 240 U. S. 118), and they have refused to obey the mandate of section 3224 to deny an injunction, where no adequate remedy at law was available.

An appeal to the executive department on the ground that the taxes were unconstitutional or illegal for other reasons would have been of no avail, so that, as a practical matter, the taxpayer had no right of appeal to the executive department in this respect.

The Senate provision would bar suits not only against the United States but even against the collector of internal revenue or his representatives. For Congress now to deny the right to sue for refund or to obtain judgment therefor is certainly denying recovery of taxes exacted in violation of the Constitution, provided their imposition is unconstitutional.

But Congress proposes to go further than to deny the taxpayer the right to sue in court. It would deny the right to any refund or recovery of the tax at all, irrespective of any remedy which someone might conceive the taxpayer had and in total disregard as to whether the taxes were constitutionally imposed or legally collected. This undoubtedly is the ultimate in the denial of a remedy. No safeguard of the taxpayer's rights is left under the provision, and therefore it must follow that Congress would be denying the substantive constitutional right to due process.

In *Lynch* v. *United States* (292 U. S. 571), it is said that Congress is under no obligation to provide a remedy through the courts and that it may limit the individual to administrative remedies. The decision went so far as to add "* * * withdrawal of all remedy, administrative as well as legal, would not necessarily imply repudiation. So long as the contractual obligation is recognized, Congress may direct its fulfillment without the interposition of either a court or an administrative tribunal." But in the case of processing taxes imposed prior to the proposed amendment, Congress would not be recognizing the right of due process. It should be noted, however, that in the Lynch case some form of remedy was not denied.

Even in the case of *Cary* v. *Curtis* (44 U. S. 236), the Supreme Court did not hold that Congress could deny, or intended to deny, all remedy. It merely held that the taxpayer could not sue the collector by virtue of a statute therein involved, despite any interpretation which might be given Mr. Justice Story's forceful dissenting opinion.

It was said in *Brinkerhoff-Faris Trust & Savings Co.* v. *Hill* (281 U. S. 673, 682):

"But, while it is for the State courts to determine the adjective as well as the substantive law of the State, they must, in so doing, accord the parties due process of law. Whether acting through its judiciary or through its legislature, a State may not deprive a person of all existing remedies for the enforcement of a right, which the State has no power to destroy, unless there is, or was, afforded to him some real opportunity to protect it."

The Supreme Court, as late as 1931, in *Graham* v. *Goodcell* (282 U. S. 409), citing the case of *Brinkerhoff-Faris Trust & Savings Co.* v. *Hill*, said:

"* * * it is not necessary to consider the authority of the Congress to withdraw the consent of the United States to be sued. (See *United States* v. *Heinszen & Co.*, supra, at p. 391 of 206 U. S., 27 S. Ct. 742.) The argument of the Government in this respect is not adequate to dispose of the controversy. Some of the present suits were brought against the collector individually and were based upon the right to recover as against him by reason of his illegal acts. Such an action is personal and not against the United States (*Sage* v. *United States*, 250 U. S. 33, 37, 39 S. Ct. 415, 63 L. Ed. 828; *Smietanka* v. *Indiana Steel Co.*, 257 U. S. 1, 4, 5, 42 S. Ct. 1, 66 L. Ed. 99). If the Congress did not have the authority to deal by a curative statute with the taxpayers' asserted substantive right, in the circumstances described, it could not be concluded that the Congress could accomplish the same result by denying to the taxpayers all remedy both as against the United States and also as against the one who committed the wrong."

The proposed amendment, denying to the taxpayer, as it does, any and all remedy, clearly runs counter to the Supreme Court's interpretation of the fifth amendment. The proposed amendment would not be merely denying a remedy, but would be denying the substantitive right of due process.

(c) *Policy*

1. Perhaps Congress can prohibit the protection of rights guaranteed under the Constitution by withdrawing the privilege of suit in any form and preventing any refunds of taxes. Nevertheless, is Congress justified in accomplishing whatever it has in mind by using any means to do so, even if they are in violation of the Constitution? For the United States publicly to declare that it will retain taxes, even though unlawfully taken, is beneath its dignity.

2. The proposed statutory provision will penalize those who have paid the processing taxes and benefit those who have refused to pay or have evaded the tax.

3. Taxpayers will be encouraged in the future to understate and underpay taxes of any kind. They will fear similar legislation endeavoring to prevent suits for refund. The contrast in this connection is significant between the cooperation of the taxpayer in England with his Government and the attitude of the taxpayer in France. The difference can be attributed in large part to the policy of the British Government in fostering the good will of the taxpayer. England is the only country in Europe which has not been compelled to resort to the sales tax for revenue purposes. (See T. M. Gordon, The Canadian Sales Tax, 1930; National Industrial Conference Board, Sales Taxes; General, Selective, and Retail, 1932.)

4. The proposed amendment, if enacted, would seriously interfere with the collection of the revenues. Until recently taxes were collected first and litigated through claims for refund. By reason of public demand, the right to litigate income and estate taxes before payment was first granted in 1924 when the Board of Tax Appeals was created (secs. 274, 280, and 308, Revenue Act of 1924—and similar sections in subsequent revenue acts). For other taxes, however, taxpayers were left to their suits for refund after payment. If this right is taken from them, Congress will find itself confronted with an overwhelming demand to litigate all taxes before payment, with consequent delay in collection and ultimate loss of revenues.

5. As pointed out above, for many years the Revised Statutes (Sec. 3224) have provided that no injunction should be issued restraining the collection of taxes. This has generally been upheld by the courts on the ground that an adequate remedy at law was available by a suit for refund. The courts have refused to follow that provision, however, where it has been shown that the remedy at law was inadequate. If Congress may do away with that remedy, and if Congress does so with respect to these taxes, may not the courts hereafter say, with respect to any tax, that the right to sue for refund is not an adequate remedy? Will Congress not have disclosed how inadequate is that remedy? And if the right of refund is disclosed as inadequate because it may be revoked, will the courts hereafter be justified in refusing

an injunction against collection of any tax which is doubtful in any respect? It is reasonable to predict that if Congress passes this statute the courts will hereafter permit injunctions in tax suits. The results will necessarily be a serious and permanent damage to all future taxes.

6. Several cases are already pending in the courts in which the taxpayers have been put to substantial trouble and considerable expense in litigating their tax liability for floor stock and processing taxes. It is unjust to deny them the right to continue these cases to judgment and to obtain any proper recovery of tax, even on the ground that the taxes are unconstitutional or illegally collected.

If Congress should see fit to cut off the claims of taxpayers who had not yet made demand for refund of moneys erroneously collected, it should at least follow the policy indicated in sections 810 (d) and 1106 (b) of the Revenue Act of 1932, wherein it is provided that new provisions in those sections shall not "bar from allowance a claim for refund filed prior to enactment of this act which, but for such enactment, would have been allowable." Failing this, Congress should follow the policy indicated in section 424 (a) (1) of the Revenue Act of 1928 regarding refund of excise taxes, wherein it is provided that restrictions on refund should not apply in suits duly begun prior to a specified date. See also, section 1103 (b) of the Revenue Act of 1932. Some saving clause should be provided as an addition to the amendment now proposed, and at least the following:

"Suits in court instituted before the enactment of this amendment shall not be affected by its provisions."

II. LIMITATION ON REFUNDS OF TAXES PAID SUBSEQUENT TO THE PROPOSED AMENDMENT

Section 32, on page 59 et seq., of H. R. 8492, as reported by the Senate Committee on Agriculture and Forestry, provides amendments to the Agricultural Adjustment Act, as amended, by adding sections 21 (b) and (d). Without quoting the provisions herein, it is sufficient to point out that not only are suits to enjoin the collection of taxes and to obtain declaratory judgments under the Federal Declaratory Judgments Act denied but also any refunds pursuant to suits for refund, unless the taxpayer proves to the satisfaction of the Commissioner of Internal Revenue, or to the court, that he has himself sustained the burden of the taxes. This latter requirement, as a practical matter of proof, probably cannot be met by many, if any, taxpayers. The provisions of the proposed section 21 (d) are obviously inserted to prevent refunds in practice, because it is known the taxpayer, except possibly in a few instances, cannot prove that he sustained the burden of the tax. This may be so, even though such evidence as exists indicates that he did, in fact, bear the tax himself.

It is noted that section 21 (d) provides that if section 21 (a) is declared unconstitutional, with respect to taxes already accrued, it shall be up to the taxpayer to prove that he sustained the burden of the tax. The taxpayer was not forewarned that he should keep records which would enable him to prove that he ultimately sustained this burden.

If suit to enjoin or to obtain a declaratory judgment and recovery under suits for refund is in substance denied, the taxpayer's constitutional right to due process is abrogated. The same reasons therefore exist against these proposed amendments as obtain in respect to the amendment first discussed in this memorandum.

These provisions are contrary to the letter and spirit of the Constitution and to all principles of fairness for which the courts and Congress have stood. They are the entering wedge by which citizens may be deprived of their constitutional rights and the courts of their jurisdiction to protect the rights of person and property. They go too far for public support. They should receive no encouragement from any officer of the Government who values a constitutional form of government or his oath of office.

Mr. GORE. Mr. President, I desire to ask the Senator from Iowa whether his remarks are intended to convey the impression which prevails that if these suits be brought now in expectation of the passage of the bill, they will have a status in court which will continue, notwithstanding the passage of the bill?

Mr. DICKINSON. I think that is correct.

Mr. GORE. As I remember the language of the bill, it is that no suits shall be brought or maintained, which language would vacate the suits now being filed.

Mr. DICKINSON. That may be true, but it is my understanding that the suits are being entertained by the Federal courts on the theory that they are being filed in anticipation that the pending bill may become the law.

Mr. GORE. I do not believe that the statute read yesterday constitutes a bar in the way of bringing suit to test the constitutionality of a tax. I placed in the RECORD yesterday a reference to the case of *Hill* v. *Wallace* (259 U. S.), where the court entertained such a suit notwithstanding the section read yesterday by the Senator from South Carolina [Mr. SMITH]. The section which he read provides that no injunction to restrain the collection of a tax shall be issued, or rather that the collection of a tax shall not be enjoined. In the case to which I have referred, an injunction was issued and was sustained, and the tax was held unconstitutional.

REGULATION OF UTILITY HOLDING COMPANIES—APPOINTMENT OF CONFEREES

Mr. SMITH. Mr. President, the matter which I desire to discuss for just a minute does not pertain to the bill under consideration, but I presume it might be put in the category of a parliamentary inquiry. I desire to know if the custom and rule of nearly 150 years have been abrogated and set aside in the matter of appointing conferees on the part of the Senate?

So far as I am individually concerned, I do not think any of my colleagues are very desirous of going through the arduous work of serving as conferees, especially on a highly controversial subject; but in spite of the fact that I have twice been Chairman of the Committee on Interstate Commerce, and have been its ranking member for a number of years, without a word being said as to whether or not I desired to go on the conference committee under the custom of 150 years, I notice that conferees were appointed who were notoriously in favor of a certain controversial provision of the bill. I wish to have my constituents who read the RECORD advised as to how it happens that a rule which is so old has been suddenly ignored, and that apparently the Vice President hereafter will name conferees without regard to the members of the committee or the chairman thereof.

We seem to have set aside the former rule. It is not law. It is not a constitutional provision. It is, however, a rule which by age and custom has grown to be more powerful or as powerful as the law. I ask the Chair if hereafter a new rule which has been arbitrarily made will be observed? I make that inquiry in order that the public may be advised that it is not a question of discrimination, but simply a question of the selection of those more favorably inclined toward measures that come to this body.

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). The present occupant of the chair will answer that he is not informed as to whether or not that is to be the rule from this time on.

Mr. SMITH. Mr. President, I am very sorry, because I had hoped this matter could now be settled. I have been here for more than a quarter of a century, and this is the first time I have ever known that custom to be broken.

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

Mr. SMITH. I yield.

Mr. McNARY. I am unable to gather the force of the Senator's remarks. To what conference is he referring?

Mr. SMITH. I am referring to the fact that certain names were put on the list of conferees on the utilities holding company bill that certainly did not come within the category of rank on the committee or of length of service.

I have not a particle of feeling in the matter. If it is to be the rule of the Senate hereafter that the chairman of the committee shall have nothing to do with the appointment of conferees, and that the Vice President shall name them, it is all well and good; but I should not like the impression to go out that some of us who have been here for a long time happen adventitiously to be left off conference committees for some reason that might cause our constituents to wonder why it was done.

On the conference committee on the utilities bill I think there was but one member who had been a member of the committee for any considerable time. I now ask the Vice President, if there be no law on the subject, if it is to be the rule hereafter that the Vice President will name the conferees, regardless of the custom which heretofore has prevailed.

The VICE PRESIDENT. The Chair will say to the Senator from South Carolina that sometime ago, in a discussion of conferees, he announced that so far as he was concerned, when the Senate put upon him the obligation and duty of appointing conferees, he was going to try, so far as possible,

to select conferees who represented the sentiment of the Senate.

The present occupant of the chair has just entered the Chamber. The Chair understands that in this particular case the Senator is complaining about the conferees appointed on the utilities bill.

Mr. SMITH. No, Mr. President; not particularly that. I observed that several times lately conferees have been appointed without regard to their seniority on the committee. I have been here for more than a quarter of a century, and I never knew that to occur but once or twice heretofore; and even then, when it occurred, the ranking members were consulted before the appointment was made.

The VICE PRESIDENT. The Chair has taken the responsibility of appointing conferees. If the Senate desires to take the responsibility, the Chair will be very happy and very much delighted to have the Senate itself take the responsibility; or, if the Senate will adopt a rule making it the duty of the Chair to appoint conferees according to their seniority, the Chair will carry out the rule of the Senate.

Mr. SMITH. All I desired was to have the statement go into the RECORD that the Vice President has assumed that responsibility, and will maintain it until such time as the Senate may provide some other rule. I did not wish any reflections to be cast on myself or my colleagues by virtue of the sudden abandonment of the former rule in the face of some very important legislation.

Mr. LA FOLLETTE. Mr. President, I wish to make a few brief remarks concerning the statement of the Senator from South Carolina.

In the first place, there is nothing in the rules, either directly or indirectly, which suggests that conferees appointed on the part of the Senate should be selected by seniority from the committee which had the bill under consideration when it was in committee. As a matter of fact, that is merely a practice which I acknowledge, as the Senator has stated, has been followed in this body for a great many years.

The fact is, however, that when the motion is made, it provides that the Chair shall appoint the conferees. Therefore, the Vice President has not usurped any power. He is merely discharging a responsibility which is placed upon him by the Senate when it adopts a motion that the Chair shall appoint conferees.

So far as the seniority practice is concerned—which, I reiterate, is not provided for by the rules—I desire to say that, in my humble opinion, it has nothing whatever to do with the fitness of individual Senators to represent the Senate in a conference over the disagreeing votes of the two Houses as to a particular piece of legislation, because time after time in my experience in this body, when that practice has been followed, Senators have been selected to represent the Senate because of their position of seniority upon committees who, in their capacity as Members of the Senate, have fought against the position which ultimately prevailed, and therefore, in my opinion, were not logically in a position where they could properly defend, in good conscience, the position which this body had taken by a majority vote.

Therefore, Mr. President, as one Member of this body, I desire to state for the RECORD that I think the present Presiding Officer of the Senate is discharging his responsibility to this body and to the country, and that the course he has adopted will result in a more adequate, a more appropriate, and a more fitting defense of the position which the Senate takes upon legislative questions than will be obtained by following the precedent of seniority.

Mr. SMITH. Mr. President, I am not going to have the Senator from Wisconsin lecture me on question of customs or morals or fitness. I simply rose to ask whether in this emergency the rule was temporarily changed or whether it was to be the permanent custom to dispense with the form—and it was a mere form—that the Presiding Officer should name the conferees suggested to him. We all knew the names were furnished the Presiding Officer. All I wanted to know was whether he was to name the conferees in the first place.

I do not doubt but that it will work out all right, and I do not doubt but that there are younger Members of the Senate who can serve more satisfactorily than the older Members. Fitness may be determined by a man's service in the Senate. I was not questioning the efficiency of anyone. I was simply seeking information as to whether a new rule had been invoked.

There was no responsibility on the Vice President. We all knew that the custom was for names to be written and handed up to him. We all knew that. If he is to assume the responsibility which we had previously assumed, I have not a word to say. It relieves a lot of us of some very unpleasant work, and relieves those of us who are not efficient from being put in places where efficiency is called for. It simply makes it possible for the Vice President to select efficient men and to leave the inefficient off. Of course, he will discharge that duty in accordance with the position taken by the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, I have no desire to proceed with this debate; but I wish to say that if the Senator from South Carolina got the impression from anything I said that I was attempting to reflect upon the efficiency or the sincerity of any Senator, including the Senator from South Carolina, I withdraw any such imputation, if it is to be found in my remarks.

As I see it, it is a very important question whether the Vice President is to discharge his responsibility under a motion adopted by the Senate to select conferees, or whether such a motion is to be made and the Chair is to have the responsibility only in form, and the actual selection of the conferees is to be made by the chairman of a committee, who proposes a list of names. I did not intend to imply that there is any question of efficiency involved in the situation. As I see it, it is a question of selecting conferees who are in sympathy with the position which the Senate takes on questions of legislative importance; and that, of course, is to be determined by a consideration of the votes and by the position which Senators take upon important questions when a particular measure is under consideration and being debated.

I have known of many instances, in the nearly 10 years I have been a Member of this body, where by following the rule of seniority in choosing conferees Senators have been appointed who have voted against the position taken by the Senate upon important questions involved in legislation. I also have seen examples of the exercise of that prerogative in a manner which defeated the position which a majority of this body has taken upon important amendments and important provisions of legislation.

Mr. SMITH. Mr. President, just one word more, and I will have no more to say on the subject.

I think the old rule was a very wholesome one, because I have never known of a case, even where a conferee was against a measure, where he was not absolutely loyal in his vote to the position of the body which he represented. But I think that very often those who are opposed to a measure and who are on a conference can so conduct themselves as to represent the minority opinion, even though they are bound to vote to sustain their own House. I think the representation of the minority very often is wholesome, even though such conferees are bound by morals and decency to support the majority of the body which has voted.

So far as I am concerned, I have served the purpose for which I rose; that is, to find that we have a new order of things.

The VICE PRESIDENT. The Chair will ask the Senate to permit him to make a statement touching the matter just discussed by the Senator from South Carolina [Mr. SMITH] and the Senator from Wisconsin [Mr. LA FOLLETTE].

Up to the present time the Chair has in each instance consulted the chairman of the committee having in charge legislation passed by the Senate, and talked over with him the appointment of conferees. In the case of the public-works bill the present occupant of the chair stated that he could not be put in the attitude of taking the responsibility of appointing conferees and having no discretion in the premises. The result is that so long as the Senate puts that responsi-

bility upon the Presiding Officer the present occupant of the chair is going to exercise some discretion. He intends to follow that rule in the future. The Chair would be very glad if the Senate would select its own conferees. That would relieve him entirely.

The present occupant of the chair has appointed conferees recently in only two cases, so he does not know what caused the Senator from South Carolina to propound the query. The present occupant of the chair appointed conferees on the public-utilities bill. He consulted the chairman of the committee, the Senator from Montana [Mr. WHEELER], who went over the list and agreed on the Members to be appointed.

The present occupant of the chair yesterday appointed conferees on what is known as the "T. V. A. bill", and consulted with the Senator from Nebraska [Mr. NORRIS], appointing the three Senators suggested by the Senator from Nebraska. The Chair might state that he appointed the Senator from Nebraska [Mr. NORRIS] because, from the observation of the Chair of the conduct of the bill on the floor of the Senate, the Senator from Nebraska was more responsible than any other Member of the Senate for the passage of the bill, and the Chair thought it was perfectly proper to appoint the Senator from Nebraska as a conferee.

AGRICULTURAL ADJUSTMENT ADMINISTRATION

The Senate resumed the consideration of the bill (H. R. 8492) to amend the Agricultural Adjustment Act, and for other purposes.

Mr. FLETCHER. Mr. President, I have several communications I desire to have printed in the RECORD, which I desire to call to the attention of Members of the Senate, particularly for the benefit of the Senator from Tennessee [Mr. MCKELLAR], who is entitled to know the attitude taken by these correspondents.

These communications are from the National Cooperative Council, the Standard Growers Association, the American Farm Bureau Federation, the National Grange, the American Cotton Cooperative Association, the National Livestock Marketing Association, and the National Cooperative Milk Producers Federation.

Mr. President, section 39 of the present bill should be stricken out. It is in fact and effect an amendment to existing agricultural credit laws which are administered by the Governor of the Farm Credit Administration, and has no place in a bill which will be administered by the Secretary of Agriculture. Moreover, I am assured that neither Governor Myers nor Secretary Wallace wants this proposed provision.

I am assured also that the National Cooperative Council, which comprises nearly all the important farmers' cooperatives of the country, is opposed to this section 39. I know also, from the communication I am presenting for the RECORD, that the American Farm Bureau Federation, the National Grange, and other national farm organizations are opposed to this provision. In fact, so far as I can ascertain, the chief support for the provisions comes from private cotton buyers throughout the South.

Earlier in this session of the Congress we passed the Farm Credit Act of 1935. The Committee on Banking and Currency held extensive hearings on the measure. These cotton buyers came before the committee in the name of the American Cotton Shippers Association. They attacked the cotton cooperatives, charging various kinds of inefficiency, and charging unfair relations between the cotton cooperatives and the Government.

The Committee on Banking and Currency made inquiry into those charges, and the record of our hearings will show evidence from the Farm Credit Administration and the cotton cooperative associations to disprove the charges.

If section 39 of the A. A. A. bill were adopted, the American Cotton Cooperative Association would be unable to act as agent for the Secretary of Agriculture in handling the large amount of cotton in the hands of the Government, or else it would be rendered ineligible for loans from the Farm Credit Administration. It is obviously unwise for us to legislate such a hardship upon cooperative marketing associations.

It should be easy for us to vote with the farmers, with the Department of Agriculture, and with the Farm Credit Administration in this matter by striking out the section. I, for one, much prefer to be listed as a friend to the farmer and to the Administration than to be listed as a friend of dealers in cotton.

I ask that the communications to which I have referred be printed in the RECORD.

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

NATIONAL COOPERATIVE COUNCIL,
Washington, D. C., July 5, 1935.

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

MY DEAR SENATOR FLETCHER: The Senate Committee on Agriculture, in our judgment, has made a tragic mistake in section 39 of the A. A. A. bill (H. R. 8492 as reported by the Senate committee).

"SEC. 39. No cotton cooperative association shall be eligible for any loan authorized to be made to cooperative associations by any agency of the Government, unless such association handles the product of or supplies of bona fide cotton-producing members in an amount at least equal in value to such as are dealt in for persons other than such bona fide members."

We assure you that farm cooperatives and general farm organizations are unanimous in urging that the section be stricken out, for these four reasons:

(1) The A. A. A. bill is not an appropriate place for amendments to the Farm Credit Act.

(2) Section 39 would establish a dangerous precedent. When any change is made in cooperative credit laws, the change should affect all cooperatives alike; cotton cooperatives should not be singled out for special treatment.

(3) Section 39, if enacted, will prohibit the cotton cooperatives from acting as agents for the Secretary of Agriculture in the handling of his large stocks of cotton despite the fact (as officials of the Department can verify) that the cotton cooperatives have rendered an exceedingly economical, efficient, and satisfactory service.

(4) Although section 39 sounds harmless, its effect is to crucify the cotton cooperatives. The American Cotton Cooperative Association is the central cooperative sales and service agency established and owned by 14 State or regional cotton cooperatives. It has no bona fide cotton-producing members, because its members are the 14 State associations. Both under the Capper-Volstead Act and the Farm Credit Act provision is made for federations of cooperatives for joint marketing, but section 39 leaves the American Cotton Cooperative Association completely out of the definition of eligible cooperatives.

Moreover, the American Cotton Cooperative Association last year classed or otherwise handled approximately 950,000 bales for the Department of Agriculture. It marketed approximately 810,000 bales for "bona fide cotton-producing members" of its member associations. Hence it did not handle membership cotton in excess of the amount "dealt in for persons other than such bona fide members."

If the purpose of the committee is to deny American Cotton Cooperative Association the right to borrow from the Farm Credit Administration or to deny the Department of Agriculture the right to employ the association for technical assistance, then section 39 should be drawn in such manner as frankly to express this purpose, in order that the Senate may know what it is asked to vote upon and what the precedent may lead to in the future.

For the reasons above outlined, I am directed by the council to protest against section 39 and to urge that it be stricken from the bill.

Very truly yours,

ROBIN HOOD,
Secretary-Treasurer National Cooperative Council.

SANFORD, FLA., *July 5, 1935.*

Senator DUNCAN U. FLETCHER:

Section 39, inserted in A. A. A. amended bill by Senate Committee on Agriculture, strong threat toward final destruction all farmers' cooperatives. Must urge your support in demanding the complete elimination this vicious, unwarranted threat, ultimately all cooperatives, making them ineligible to borrow from that Farm Credit Administration.

STANDARD GROWERS' ASSOCIATION.

AMERICAN FARM BUREAU FEDERATION,
Washington, D. C., July 6, 1935.

Senator DUNCAN U. FLETCHER,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR FLETCHER: The American Farm Bureau Federation has always supported legislation in behalf of cooperative associations and has likewise supported those associations when they have been under attack.

The Cotton Cooperative Association is now definitely being attacked in section 39 of H. R. 8492 as reported by the Senate Committee on Agriculture and Forestry. To deny any cooperative association the eligibility of borrowing from an agency of the Government unless such association complies with provisions which are not contained in the regularly enacted statutes relating to cooperative associations is indefensible. Section 39 seeks to set up provisions to govern cotton cooperative associations which are not contained in the original Capper-Volstead Act, nor in more recent definitions of cooperative associations in farm-credit statutes.

Accordingly, it is recommended most earnestly that section 39 be entirely deleted from the bill.

Very respectfully,

AMERICAN FARM BUREAU FEDERATION,
CHESTER H. GRAY,
Washington Representative.

THE NATIONAL GRANGE,
Washington, D. C., July 6, 1935.

Hon. DUNCAN U. FLETCHER,
Senate Office Building, Washington, D. C.

DEAR SENATOR FLETCHER: It will be appreciated by the National Grange if you will kindly use your influence to secure the elimination of section 39 of H. R. 8492, containing the proposed amendments to the Agricultural Adjustment Act.

The section in question reads as follows:

"SEC. 39. No cotton cooperative association shall be eligible for any loan authorized to be made to cooperative associations by any agency of the Government, unless such associations handle the products of or supplies of bona fide cotton-producing members in an amount at least equal in value to such as are dealt in for persons other than bona fide members."

In our opinion the enactment of this section would to all practical intent and purposes destroy the American Cotton Cooperative Association, which is a federation or sales agency for 14 States or regional cooperatives.

Sincerely yours,

FRED BRENCKMAN,
Washington Representative.

AMERICAN COTTON COOPERATIVE ASSOCIATION,
New Orleans, July 6, 1935.

Hon. DUNCAN U. FLETCHER,
Chairman Committee on Banking and Currency,
United States Senate, Washington, D. C.

DEAR SENATOR FLETCHER: As is shown by the hearings before your committee on February 5, 1935, when the Farm Credit Act of 1935 was under consideration, section 39 of the A. A. A. bill as reported by the Senate Committee on Agriculture should be eliminated.

The effect of section 39 is to cripple the operations of the cotton cooperatives very seriously. It would prevent the American Cotton Cooperative Association from assisting the Department of Agricultrue in handling the surplus cotton, which is under the control of the Secretary of Agriculture.

It would also render the American Cotton Cooperative Association ineligible for any loans from the Farm Credit Administration or the banks for cooperatives. This organization has no bona fide cotton-producing members, because its members are the 14 State and regional cotton cooperatives.

When your committee held its hearings on the farm-credit bill, representatives of cotton brokers, in the name of the American Cotton Shippers Association, appeared in opposition to a provision, declaring that commodities handled for agencies of the Government should not be considered as either member or nonmember business. After according me an opportunity to be heard on the subject and after hearing from Governor Myers, your committee refused to grant the demand of the American Cotton Shippers Association for elimination of sections 11 and 12 of the Farm Credit Act. Your committee reported the bill out and the bill was enacted into law.

Section 39 of the A. A. A. bill would undo the work of your committee in respect to this matter.

I trust, therefore, that you will exert your influence toward striking out section 39.

Very truly yours,

N. C. WILLIAMSON,
President American Cotton Cooperative Association.

NATIONAL LIVE STOCK MARKETING ASSOCIATION,
Chicago, July 6, 1935.

Hon. DUNCAN U. FLETCHER,
Chairman Committee on Banking and Finance,
United States Senate, Washington, D. C.

DEAR SENATOR FLETCHER: We urge that you use your influence to remove section 39 from the A. A. A. bill. This section is an unfair and unjustifiable restriction upon cotton cooperatives and would establish a precedent of great danger to the entire cooperative movement.

Very truly yours,

P. O. WILSON,
Secretary-Manager National Live Stock Marketing Association.

THE NATIONAL COOPERATIVE MILK PRODUCERS' FEDERATION,
Washington, D. C., July 6, 1935.

Senator DUNCAN U. FLETCHER,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR FLETCHER: The Senate Committee on Agriculture and Forestry has inserted in the proposed amendments to the Agricultural Adjustment Act a new section which will have the effect of putting out of business the American Cotton Cooperative Association, the largest farmer-owned and farmer-controlled cotton cooperative association in the United States.

This section, which is numbered 39 in the amendments now pending in the Senate, should be eliminated entirely. Although the section refers only to cotton cooperatives, we in the cooperative movement feel that it is the first step taken by the enemies of organized agriculture to destroy farmers' cooperative associations, which have been developed under the guidance and encouragement of both State and Federal Governments.

In addition, this matter is one which primarily affects the operations of the Farm Credit Administration. The subject is one which is not germane to the amendments now before the Senate. If any restrictions are to be placed around the operations of farmers' cooperative associations in addition to the existing law, these changes should only be made after adequate notice and opportunity for hearing of interested parties, and then only after a careful study of the problem by that Government agency charged with the duty of encouraging and developing the cooperative movement among farmers, to wit, the Farm Credit Administration.

On behalf of the organized dairy farmers of this country, we earnestly request your support of the elimination of section 39 of the pending amendments to the Agricultural Adjustment Act.

Very truly yours,

CHARLES W. HOLMAN,
Secretary The National Cooperative
Milk Producers' Federation.

RECESS TO MONDAY

Mr. SMITH. I move that the Senate take a recess until Monday next at 12 o'clock noon.

The motion was agreed to; and (at 4 o'clock and 30 minutes p. m.) the Senate took a recess until Monday, July 15, 1935, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

FRIDAY, JULY 12, 1935

The House met at 12 o'clock noon.

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

Our Father, we thank Thee for the Holy Bible—the book of righteousness, the book of love, the book of life, and the book of God. O Thou of infinite wisdom, Who giveth of the same to all men that asketh of Thee and upbraideth not, write Thy precepts in our hearts. Deliver us from any overwrought self-assurance that our usefulness may not be impaired. Impress us with the foolishness to scratch, scorch, and starve our souls for just the things that finally throw life into confusion. Heavenly Father, stir us by the consciousness of the supreme ideal which is to minister and not to be ministered unto, to serve and not to be served, and to lend a hand. In our relationships inspire us with the spirit of the Master. In His name we pray. Amen.

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

MESSAGE FROM THE SENATE

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

H. J. Res. 347. Joint resolution to provide for the compensation of pages of the Senate and House of Representatives from July 1, 1935, until the close of the first session of the Seventy-fourth Congress.

The message also announced that the Senate had passed, with an amendment, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 8632. An act to amend an act entitled "An act to improve the navigability and to provide for the flood control of the Tennessee River; to provide for reforestation and the proper use of marginal lands in the Tennessee Valley; to provide for the agricultural and industrial development of said valley; to provide for the national defense by the

creation of a corporation for the operation of Government properties at and near Muscle Shoals in the State of Alabama, and for other purposes", approved May 18, 1933.

The message also announced that the Senate insists upon its amendment to the foregoing bill, requests a conference with the House thereon, and appoints Mr. SMITH, Mr. WHEELER, and Mr. NORRIS to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6323) entitled "An act to provide for the custody of Federal proclamations, orders, regulations, notices, and other documents, and for the prompt and uniform printing and distribution thereof."

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 883. An act directing the retirement of acting assistant surgeons of the United States Navy at the age of 70 years.

ADJOURNMENT OVER

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that when the House adjourns today that it adjourn to meet on Monday next.

The SPEAKER. Is there objection?

Mr. BOILEAU. Mr. Speaker, I reserve the right to object, to say to the distinguished gentleman from Colorado that many of us are very much interested in getting sufficient signatures to the Frazier-Lemke bill, and in view of the fact that so many names have been taken off the petition yesterday and today, we find it impossible to get a sufficient number. We are going to need every legislative day that we can get. Therefore, I object.

FEDERAL POWER ACT

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2796) to provide for the control and elimination of public-utility holding companies operating, or marketing securities, in interstate and foreign commerce and through the mails, to regulate the transmission and sale of electric energy in interstate commerce, to amend the Federal Water Power Act, and for other purposes, insist on the House amendments thereto, and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Texas asks unanimous consent to take from the Speaker's table the bill S. 2796, insist on the House amendments, and agree to the conference asked by the Senate. Is there objection?

Mr. COOPER of Ohio. Mr. Speaker, I reserve the right to object, though I do not know that I shall. I do this to ask the chairman of the committee a question. How many conferees will there be on the House side?

Mr. RAYBURN. Five have been recommended, as usual, including the two that the gentleman from Ohio suggested.

Mr. COOPER of Ohio. That is all that we will have?

Mr. RAYBURN. That is all that I am asking for.

The SPEAKER. Is there objection?

Mr. RANKIN. Mr. Speaker, reserving the right to object, I am not going to object to the bill going to conference, with the understanding that it be brought back here, and we be given an opportunity to vote on sections 11 and 13. There is a considerable revival of righteousness going on around here on Capitol Hill, as was shown yesterday in the roll-call vote on the T. V. A. bill, and I feel confident when it is brought back we can adopt both of those sections of the Senate bill.

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

Mr. SNELL. Mr. Speaker, I reserve the right to object. I understand then from the statement made by the chairman of the committee that the report carried in the Washington Post this morning about six conferees being appointed, different from the usual number, is not correct?

Mr. RAYBURN. I discussed the matter with the ranking Republican Member, the gentleman from Ohio [Mr. COOPER], and the reason why I did that was this: Our committee—that is, our subcommittees—have been divided 4 to 2 during this session and when I suggested that I send up the names of four Democrats, the gentleman from Ohio [Mr. COOPER] said it was not quite regular and he would rather I would not do it. So I am not going to do it.

Mr. SNELL. So the conferees will be selected in the usual manner?

Mr. RAYBURN. Yes.

The SPEAKER. Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. RAYBURN, Mr. HUDDLESTON, Mr. LEA of California, Mr. COOPER of Ohio, and Mr. HOLMES.

TERMS OF OFFICE, INTERSTATE COMMERCE COMMISSION

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4751) to amend section 24 of the Interstate Commerce Act, as amended, with respect to the terms of office of members of the Interstate Commerce Commission, with Senate amendments thereto, and agree to the Senate amendments. I might suggest to gentleman on the other side that this matter was considered in committee yesterday morning and the committee is unanimous that we do this.

The SPEAKER. The gentleman from Texas asks unanimous consent to take from the Speaker's table the bill, H. R. 4751, with Senate amendments thereto, and concur in the Senate amendments. The Clerk will report the Senate amendments.

The Clerk read as follows:

Line 3, strike out "section 24 of."
Line 4, after "inserting", insert "at the end of section 11 and."
Line 5, strike out "such section" and insert "section 24."
Line 7, strike out all after "successor" down to and including "day", in line 11, and insert "is appointed and shall have qualified."

Amend the title so as to read: "An act to amend sections 11 and 24 of the Interstate Commerce Act, as amended, with respect to the terms of office of members of the Interstate Commerce Commission."

Mr. RAYBURN. Mr. Speaker, so that the House may understand, the only thing this does is to allow a member of the Interstate Commerce Commission when his term expires to serve until his successor is appointed and has qualified, so that they may always have a full Commission.

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

There was no objection.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

A motion to reconsider the vote by which the Senate amendments were agreed to was laid on the table.

DISPOSITION OF WATERS OF THE RIO GRANDE

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6453) to amend the act of May 13, 1925, entitled "An act providing for a study regarding the equitable use of the waters of the Rio Grande", and so forth, as amended by the public resolution of March 3, 1927, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none, and appoints the following conferees: Mr. McREYNOLDS, Mr. BLOOM, and Mr. FISH.

REPORT FROM THE COMMITTEE ON BANKING AND CURRENCY

Mr. STEAGALL. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may have until midnight tonight to file a report on House Joint Resolution 348.

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

Mr. WOLCOTT. Reserving the right to object, the minority, I expect, will file a minority report.

Mr. STEAGALL. I will say the only purpose of this request is to give time to the minority to incorporate their report and file it along with the other.

Mr. WOLCOTT. I wonder if the gentleman will include in his unanimous-consent request the right of the minority to file minority views?

Mr. STEAGALL. I so intended, if I did not say so. I wish that to be understood.

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

There was no objection.

LINE OF THE NAVY

Mr. VINSON of Georgia. Mr. Speaker, I call up a conference report on the bill (H. R. 5599) to regulate the strength and distribution of the line of the Navy, and for other purposes, and I 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 Georgia?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

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. 5599) to regulate the strength and distribution of the line of the Navy, 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 House recede from its disagreement to the first amendment of the Senate and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 9. The last proviso of the appropriation 'Pay of the Navy', contained in the Naval Appropriation Act for the fiscal year 1897, approved June 10, 1896 (29 Stat., 361), is hereby amended to read as follows: '*And provided further*, That hereafter no payment shall be made from appropriations made by Congress to any officer in the Navy or Marine Corps on the active list while such officer is employed, after June 30, 1897, by any person or company furnishing naval supplies or war materials to the Government, and such employment is hereby made unlawful after said date: *Provided*, That no payment shall be made from appropriations made by Congress to any retired officer in the Navy or Marine Corps who for himself or for others is engaged in the selling of, contracting for the sale of, or negotiating for the sale of, to the Navy or the Navy Department, any naval supplies or war material.'"

And the Senate agree to the same.

That the House recede from its disagreement to the second amendment of the Senate, and agree to the same.

CARL VINSON,
P. H. DREWRY,
Managers on the part of the House.

PARK TRAMMELL,
DAVID I. WALSH,
FREDERICK HALE,
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. 5599) to regulate the strength and distribution of the line of the Navy, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompany conference report as to each of such amendments, namely:

On amendment no. 1: Specifically provides that the subject matter shall be in lieu of the law it was intended to replace. Existing law makes it unlawful for officers of the Navy and Marine Corps, active or retired, to be in the employ of persons or commercial concerns furnishing naval supplies or war material to the Government. The Senate sought to lift the ban on retired officers so long as they would not engage for themselves or others in the selling of, contracting for the sale of, or negotiating for the sale of, to the Navy or the Navy Department, any naval supplies or war material, but neglected to repeal existing law, which would still prevent the employment of retired officers in any capacity with persons or commercial concerns furnishing naval supplies or war material to the Government. As agreed to the Senate proposal by express provision will be in lieu of existing law.

On amendment no. 2: Changes a section number in consequence of amendment no. 1.

CARL VINSON,
P. H. DREWRY,
Managers on the part of the House.

Mr. VINSON of Georgia. Mr. Speaker, I move 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.

TOBACCO INSPECTION SERVICE

Mr. O'CONNOR, from the Committee on Rules, submitted the following privileged report (H. Res. 294, Rept. No. 1511), providing for the consideration of H. R. 8026, to establish and promote the use of standards of classification for tobacco, to provide and maintain an official tobacco inspection service, etc., for printing under the rule:

House Resolution 294

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for consideration of H. R. 8026, a bill "To establish and promote the use of standards of classification for tobacco, to provide and maintain an official tobacco inspection service, etc." That after general debate, which shall be confined to the bill, and shall continue not to exceed 1 hour, to be equally divided and controlled by the Chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

THE POWER OF THE SUPREME COURT TO DECLARE ACTS OF CONGRESS VOID

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

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. RAMSAY. Mr. Speaker, it is claimed by those who support the theory of court determination of acts of Congress that those who oppose such application of power are opposed to the Constitution and seek to destroy our courts of justice.

To my mind, this is a gratuitous insult to a great mass of splendid lawyers and students of our jurisprudence, who assert that the Court's duty is to interpret the law, and not seek to form the law by the veto of legislation, because the power to interpret the Constitution is the power to make the Constitution.

Speaking for myself, I not only respect but revere our splendid courts, who have done so much to aid the great cause of liberty and freedom of the American people.

I realize that in a great republic like ours that the confidence of the people in their courts and their laws reposes the sure and certain assurance of the perpetuity of our institutions.

Since the foundation of the great American Republic there have been two lines of thought uppermost in the minds of American statesmen.

Did the fathers of our country have in mind the general welfare of the whole people when writing the Constitution or did they have in mind the restriction of the general welfare whenever this great motive would conflict with the right to own or control property?

The founders of my political party and faith claim that the preamble of the Constitution meant what it said, and that all forms and action of government should be diverted and used to promote the general welfare of the people. Therefore they held that the judiciary should have no part in declaring the kind and character of laws Congress should enact, nor should the courts have any right, power, or privilege to declare any act or acts of Congress void.

Those opposed to this view of Government claim that the preamble of the Constitution meant nothing and could not be looked to in deciding upon the acts of Congress, and unless specifically authorized by the Constitution, Congress has no power to legislate.

If the Supreme Court had been so careful in marking out its powers to so adjudicate, under specific authorization, under the Constitution, this conflict would never have oc-

curred, because the Constitution in none of its provisions authorizes the courts to hold any acts of Congress void and unconstitutional.

Today we are, in the final analysis, governed by a theory of government that was supposed to have died with the Federalist Party, but we now feel the dead and withered hand of Alexander Hamilton, directing through our Supreme Court the policies of every administration, regardless of which political party may be in power.

The decision of the Court in the Marbury case was the first declaration of the right of the Supreme Court to declare acts of Congress void. This decision was the most brazen judicial announcement of a political faith ever made by any body of men in this country. This opinion merely set forth the principles of federalism as announced by Hamilton. It was an obiter dictum opinion, because the Court first announced it did not have jurisdiction, then went on to say what the Court would have decided, if it had jurisdiction, upon this opinion, rendered without authority or citation. The Court has built up its theory of vetoing and outlawing acts of Congress, thereby placing itself in the position of dictating the political policies of this country. Such decisions of our courts are mere political opinions and not judicial decisions, and are wholly unauthorized by the Constitution, laws, and traditions of our form of government.

When we realize that no court in Great Britain has dared declare any act of Parliament unconstitutional in the past 200 years, and that neither France, Belgium, Germany, nor Italy have any court empowered to set aside the laws of their Parliament, we stand aghast at it all, and as we realize that every court in America, even every justice of the peace, can set aside the acts of Congress and declare the political course our political parties must pursue, we shudder and wonder what the outcome will be.

How long will the American people permit the courts of America to defeat the expressed will and intent of the people of this country by avoiding and destroying the laws that people are demanding? By a decision of 5 to 4, will they continue to permit this Court to deny their Legislature the right to correct the evils and abuses of the ownership of property that have for the past 50 years dictated the course of legislation at the expense of human welfare? The courts apparently will not, or cannot, recognize the changing social needs of the United States.

To determine whether or not those of us who deny the power of the Court to nullify acts of Congress are radical and opposed to the Constitution, let us for a moment review the expressions of our great American statesmen of the past.

The Constitutional Convention held in 1787 four times refused to adopt a resolution that would have granted to the Supreme Court the right to declare acts of Congress void or unconstitutional. (See Reports of Federal Convention, by James Madison, pp. 51, 406–407, and 475.) The last statement on this subject in said record, at page 475, written by Madison himself, reads:

> It was generally supposed that the jurisdiction given [Supreme Court] was constructively limited to cases of a judicial nature.

It was further argued by Madison and others that the Constitution did not grant the right to such Court to declare acts of Congress void.

In discussing this question James Madison said:

> I beg to know upon what principle it can be contended that any one department draws from the Constitution greater powers than another in marking out the limits of the powers of the several departments. Nothing has yet been offered to invalidate the doctrines that the meaning of the Constitution may as well be ascertained by the legislative as by the judicial authority.

Thomas Jefferson, in writing to Mrs. Adams on September 11, 1804, wrote:

> The opinion which gives to the judges the right to decide what laws are constitutional and what not, not only for themselves in their own sphere of action but for the legislature and executive also in their spheres, would make the judiciary a despotic branch.

In a letter written by Jefferson to Mr. Johnson on June 12, 1823, discussing this same question, he stated:

> There must be an ultimate arbiter somewhere. True, there must; but does that prove it is either the Congress or the Supreme Court? The ultimate arbiter is the people of the Union, assembled by their deputies in convention at the call of Congress or of two-thirds of the States.

Charles Pinckney, one of the signers of the Constitution, says in discussing this subject:

> On no subject am I more convinced that it is an unsafe and dangerous doctrine in a republic ever to suppose that a judge ought to possess the right of questioning or deciding upon the constitutionality of laws or any act of legislature. It is placing the opinion of an individual, or of two or three, above that of both branches of Congress, a doctrine which is not warranted by the Constitution and will not, I hope, long have any advocates in this country.

President Jackson, in discussing McCulloch against Maryland and of Osborn against United States Bank, in a message to Congress said:

> The Congress, the Executive, and the Court must each for itself be guided by its own opinion of the Constitution. Each public officer who takes an oath to support the Constitution swears he will support it as he understands it, and not as it is understood by others.

It is as much the duty of the House of Representatives, or the Senate, and of the President, to decide upon the constitutionality of any bill or resolution which may be presented to them for passage, or approval, as it is of the Supreme Court, when it may be brought before them for judicial decision. The opinion of the judges has no more authority over Congress than the opinion of Congress has over the judges. The authority of the Supreme Court must not, therefore, be permitted to control the Congress or the executives when acting in their legislative capacities.

Abraham Lincoln, in his first inaugural address as President of the United States, said:

> The candid citizen must confess that if the policy of the Government, upon vital questions affecting the whole people, is to be irrevocably fixed by decisions of the Supreme Court the instant they are made, the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that eminent tribunal.

Justice Clark, of the Supreme Court, in discussing this question in the Ninth American Bar Association Journal—October 1923, page 691—said:

> It is no new suggestion that if the Court would give real and sympathetic effect to this rule by declining to hold a statute unconstitutional whenever several of the Justices conclude that it is valid—by conceding that two or more being of such opinion in any case must necessarily raise a "rational doubt"—an end would be made of 5-to-4 constitutional decisions and great benefit would result to our country and to the Court. To voluntarily impose upon itself such a restraint as this would add greatly to the confidence of the people in the Court and would very certainly increase its power for high service to the country. Anyone at all acquainted with the temper of the people in this grave matter must fear if the rule is not observed in some such manner a greater restraint may be imposed upon the Court by Congress or by the people, probably to the serious detriment of the Nation.

Of course, I am aware that the courts and the legal profession contend that the courts have an inherent right to declare acts of the legislative branch of the Government void as a professional dogma or a matter of faith rather than reason. But may I not observe that while this right in question has long been claimed by the judiciary, no judge has ventured to discuss it, except Chief Justice Marshall in the Marberry case, and if the argument of such a distinguished jurist is found to be inconclusive and inconvincing, it must be attributed to the weakness of his position and not to his ability.

The Constitution is a collection of fundamental laws, not to be departed from in practice, nor altered by judicial decisions. Therefore, if the courts assert this right, instead of resting on the claim that it has been universally assumed by the American courts, they ought to be prepared to maintain it on the principles of the Constitution.

I therefore maintain that in this country the powers of the judiciary are divisible into those that are political and those that are civil.

The political powers of the judiciary are extraordinary and are derived from certain peculiar provisions in the Constitution, from the common fountain of all political power.

On the other hand, its civil powers are its ordinary powers, existing independently of any grant in the Con-

stitution. But where government exists by virtue of a written constitution, the judiciary does not derive from that circumstance any other than its ordinary and appropriate powers.

Our judiciary is constructed upon the principles of the common law. In adopting the common law, we take it with just such powers and capacities incident to it, at the common law, except where there have been express changes made by our Constitution and enacted law. With us, the people, through their Constitution, have seen fit to clothe Congress with sovereignty and power, to pass and enact laws, and denied this right to other branches of the Government.

It must be conceded, then, that the ordinary and essential powers of the judiciary do not extend to the annulling of an act of Congress. Nor does it follow, because the Constitution did not invest this power in any department of our Government, that it belongs to the judiciary, and I take it that this power could not rest in the judiciary without producing a direct authority for it in the Constitution, either in terms or by the strongest implication from the nature of our Government, without which, this power must be considered as reserved for the immediate use of the people.

The Constitution contains no practical rules for the administration of law by the courts, these being furnished by the acts of ordinary legislation enacted by Congress, who are exclusively, with the President, the representatives of the people.

The Constitution and the right of Congress to pass a certain act may be in collision, but is that a legitimate subject for judicial determination? If it is, the judiciary must be a peculiar organ to revise the proceedings of Congress and to correct its mistakes. And where, oh, where, are we to look for this proud prerogative in the Constitution?

Viewing it from the other angle, what would be thought of an act of Congress declaring that the Supreme Court had put the wrong construction on the Constitution in the N. R. A. case, and that the judgment ought to be reversed?

I can hear now the howls of usurpation of judicial power.

The passage of an act of Congress is an act of sovereignty, and sovereignty and legislative power are said by Blackstone to be convertible terms.

It is the business of the judiciary to interpret the laws and not to scan the authority of the lawgiver. If the judiciary has the power to inquire into anything other than the form of enactment, where shall it stop? There certainly must be some limitation to such an inquiry. Those who claim this right for the judiciary, claim the legislative branch have no right of legislation, unless specifically granted by the Constitution. Therefore, if the authority to pass certain legislation is not found in the Constitution, such acts are not the acts of the people—but of the Congressmen themselves. But this is putting the argument on bold ground; to say that a high public representative of the people themselves shall challenge no more respect in the passage of legislation than a private individual must be rejected by every fair mind.

The further argument is made that when the Supreme Court holds an act of Congress void, it must acquiesce, although it may think the construction of the judiciary is wrong. But why must it acquiesce? Only because it is bound to show proper respect to the Supreme Court, which it in turn has a right to exact from the Supreme Court. This is the argument.

But it cannot be contended that the Congress has not, at least, an equal right with the judiciary to place a construction on the Constitution, nor can it be said that either are infallible; nor that either ought to surrender its judgment to the other. Certainly the framers of our Government never intended that the legislative and judiciary branches of our Government should ever clash upon the construction of our Constitution, yet we know this has occurred time and again during the history of our country.

What I am trying to say is that the judiciary, if at all possible, should yield to the acts of Congress the same respect that is claimed for the acts of the judiciary.

The great number of cases that have been decided by the court by a decision of 5 to 4 clearly illustrates that repugnancy to the Constitution is not always self-evident, and that to avoid them requires the act of some tribunal competent, under the Constitution—if any such there be—to pass upon their validity.

The judiciary was not created by the fathers of the Constitution for that purpose. But in theory all the organs of government were to have equal capacity, or if not equal, each was supposed to have superior power only for those things which peculiarly belong to it, and as legislation peculiarly involves the consideration of those limitations which are put on the lawmaking power, and the interpretation of laws, when made, involves only the construction of the laws themselves, it follows that the construction, in this particular belongs to the Congress, which ought, therefore, be taken to have superior capacity to judge the constitutionality of its own acts.

The very definition of "law", which is said to be "A rule of civil conduct prescribed by the supreme power in the State", shows the intrinsic superiority of the Congress.

It will be said the power of Congress also is limited by prescribed rules. It is so. But it is the power of the people, and sovereign as far as it extends.

The foundation of every argument of every advocate of the judiciary to declare acts of Congress void rests upon the oath taken by the judiciary upon entering their office. Neither the oath of such officer nor his official duty contemplates an inquiry into the authority of Congress.

The fallacy of the argument that courts in approving acts of Congress adopts them as their own leads some of us to believe that this alone requires and compels the court to pass upon the constitutionality of acts of Congress, whereas the enactment of a law and the interpretation of it are not concurrent acts, and as the judiciary is not required to concur in the enactment, neither is it in the breach of the Constitution, which is the fault of Congress, and upon it the responsibility rests.

The relief from such legislation rests entirely with the people, and I firmly believe they would see to it that no law would be permitted to stand or remain in our statutes that was a flagrant violation of their Constitution.

ENLISTED MEN IN THE ARMY

Mr. HOEPPEL. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes on the subject of enlisted men in the service.

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

There was no objection.

Mr. HOEPPEL. Mr. Speaker, this morning my attention was called to an item appearing in the Washington Post to the effect that four enlisted men had committed suicide in the Panama Canal Zone. The article recited in detail the fact that the cause of those suicides was believed to be the commanding officer's harsh and cruel treatment of enlisted men who must work long hours under the tropical sun.

For the information of the Membership of the House I wish to state that I personally took this question up with the War Department a number of months ago at the request of enlisted men in the Panama Canal Zone, who protested the discriminatory, aristocratic attitude of the commanding officer at Fort Clayton. I also was in contact with the editor of the Panama American on this subject but the report which I called to the attention of the War Department was apparently whitewashed. Furthermore, the commanding officer, in his arrogance, threatened to file libel suit against newspapermen who published the report at that time, which report appears to have been correct in the light of the item in today's paper in reference to suicides of enlisted men.

I personally made inquiry of officers as to the character and attitude of the commanding officer at Fort Clayton and was advised that the commanding officer was inclined to be arrogant and tyrannical, and the thought was expressed that he was never considered to be wholly balanced.

I maintain that we are not doing our duty as Representatives when we will permit Army officers to drive young

American men to suicide, once they have them isolated in such a God-forsaken country as the Panama Canal Zone.

Mr. BLANTON. Will the gentleman yield?

Mr. HOEPPEL. I yield briefly.

Mr. BLANTON. This morning's Washington Post said there would be six conferees appointed by the House on the utilities holding company bill, out of the usual procedure. That did not happen. That was incorrect. The gentleman ought to check up the facts he quotes from this newspaper.

Mr. HOEPPEL. As a publisher of a periodical myself, I have the highest regard for the newspaper fraternity and am confident that they would not willfully contort the facts presented to them. In reference to the question I am discussing, I know what I am talking about as I have been in correspondence with the War Department and various individuals in Panama on this subject.

Furthermore, I would like to call the attention of the Membership to the case of an enlisted man who was found dead in bed recently at a post in California. The young man carried an accident policy, and as he was in an accident some time prior to his death, his mother requested a copy of the autopsy which was held to determine the cause of his death. A copy of the autopsy was denied the bereaved mother in a letter dated March 14, 1935, signed by the assistant surgeon, with the statement that "they (the medical department) have no desire to withhold information but the report comprises six typewritten pages and they would appreciate being spared the clerical labor incident to making a copy."

Imagine, if you can, the inhuman thought involved in a letter of this kind addressed to a widow in reference to her son's sudden death in the service.

At the request of the mother, I then personally took up the question with The Adjutant General, and was advised that it was impossible to furnish a copy of the autopsy unless the request came from the Congress, or one of its committees. Think of it! An attitude of this kind when a Representative of the people requests a copy of the autopsy in reference to the sudden death of one of his constituents. The report from the mother further indicates that the post surgeon was derelict in his duty in that he did not order her son to the hospital as he should have, if, as she asserts, he apparently recognized the impaired health of her son.

As a retired enlisted man and as a friend of the Army and Navy personnel, both commissioned and enlisted, I receive communications from many enlisted men and officers, reciting to me instances of injustice and discrimination which I earnestly seek to correct.

My attention was recently brought to a case of an enlisted man in the Philippines who was treated in a discriminatory manner. He was tried before a board and reduced in rank for inefficiency, notwithstanding the fact that he had held the position from which he was reduced for a period of 5 years. His accusers were members of the board which reduced him and the report is that they back-dated an important paper in order to validate the action taken. I made an effort to ascertain the findings of the board and the constitution of the board. As reported to me, the board was illegally constituted. The War Department declined to give me information with respect to this apparent discrimination and injustice directed against an enlisted man who was not permitted to appear personally before the board in his own defense. To deny a Representative in Congress the right to a copy of the board proceedings in such a case is a denial of justice to the enlisted man. Incidentally, the question of race prejudice arises as the enlisted man was the only Negro soldier in the garrison of approximately 2,000.

Mr. BLANTON. Will the gentleman yield again?

Mr. HOEPPEL. I cannot yield further.

In France we had, some years ago, the celebrated Dreyfuss case with which you are all familiar, in which a certain clique of officers railroaded a brother officer to penal servitude. He served 5 years on Devils Island. Enlisted men in the service in some instances are treated with the same lack of consideration by their officers. Thank God that these instances are rare.

I think it is about time the Congress of the United States recognized the arbitrary attitude of the War and Navy Departments and took the necessary action to provide that on the request of a Member of Congress, acting on the petition of the mother of a deceased soldier or of a soldier himself, the record in the case at least will be available to the Member of Congress who makes that request in order to remove the discrimination, if any exists. In time of war, such arbitrary action is excusable, but in time of peace it is absolutely indefensible and is contrary to our democratic precepts of liberty and justice to all.

Mr. BLANTON. Mr. Speaker, will the genial gentleman from California yield for one question?

Mr. HOEPPEL. In a moment.

Mr. BLANTON. The gentleman is incorrect; the relatives of an enlisted man can get a full report any time the enlisted man dies.

Mr. HOEPPEL. I wish I had with me the official letter from the War Department to show the gentleman that his statement is incorrect.

Mr. BLANTON. I will say that the gentleman is incorrect. Relatives can always get full reports in such matters.

Mr. HOEPPEL. Mr. Speaker, I ask unanimous consent to insert in the RECORD a copy of the letter from the War Department to which I have referred.

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

There was no objection.

Mr. HOEPPEL. Mr. Speaker, under the authority just granted, I insert at this point the letter to which I referred as positive proof of my statement that important information is withheld from Members of Congress. I may state also that I have in my files other letters even more flagrant than this.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, July 3, 1935.

Hon. J. H. HOEPPEL,
House of Representatives.

MY DEAR MR. HOEPPEL: I have your letter of June 29, in which you request, in behalf of Mrs. Isabelle M. Mundell, a copy of the report of the autopsy made in the case of her son, the late Pvt. Melville F. Mundell, who died February 20, 1935, at Hamilton Field, San Rafael, Calif., stating that it is required by Mrs. Mundell for the purpose of prosecuting a claim for accident benefits.

It is contrary to the well-established policy of the War Department to furnish copies of official records of the character requested by you, except upon a call from Congress or one of its committees, upon call from other recognized Federal agencies charged by law with the adjudication of claims, or upon proper process issued by a court of competent jurisdiction, and only upon certificate of the court that such copies are essential to the ends of justice.

It is also contrary to the policy of the Department to furnish statements from the records to one party alone for use in settlement of claims in which the United States is not in direct interest. However, if the insurance company will join in the request that a statement from the official records of the above-named former soldier is necessary to adjudicate a claim, consideration will be given to furnishing the statement to Mrs. Mundell and to the insurance company.

Very respectfully,

E. T. CONLEY,
Brigadier General,
Acting The Adjutant General.

Is it fair, is it right, that we, the representatives of the people, we who really are responsible for the conduct of the Army and the Navy, should not know what is going on? Is there any reason why we should not be furnished this information upon our official request, with a view to securing the correction of an injustice, if any exists? I believe we are not only entitled to such information but that the conduct of the Army and Navy is our responsibility, and for this reason I am presenting the following resolution:

Resolved, That the Secretary of the Navy and the Secretary of War are hereby directed to furnish to Members of Congress, upon the request of any Member, any information or records called for pertaining to complaints of injustices or discriminations directed against enlisted men of the Army, Navy, or Marine Corps by their superior officers.

Mr. BLANTON. That already is provided for by regulations of the Departments.

Mr. HOEPPEL. It is not the law or the procedure of the Department.

Mr. BLANTON. I get such information right along for people in my district any time I ask for it. I have never yet been turned down on a request for information respecting any enlisted man from my district.

Mr. HOEPPEL. The gentleman will see the War Department letter, to which I have referred, in the RECORD tomorrow. I will make another request of the War Department for this information, and in the event I am again refused I will request the gentleman from Texas to obtain this information for me.

Mr. BLANTON. I have no objection.

Mr. HOEPPEL. Mr. Speaker, I ask unanimous consent for the immediate consideration of this resolution.

The SPEAKER. The gentleman from California asks unanimous consent for the immediate consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That the Secretary of the Navy and the Secretary of War are hereby directed to furnish to Members of Congress, upon the request of any Member, any information or records called for pertaining to complaints of injustices or discriminations directed against enlisted men of the Army, Navy, or Marine Corps by their superior officers.

Mr. VINSON of Georgia. Mr. Speaker, reserving the right to object, I would ask the gentleman from California if this resolution has been referred to a committee.

Mr. HOEPPEL. It has not.

Mr. VINSON of Georgia. Why should it not go to a committee?

Mr. HOEPPEL. Is not the Congress itself competent to pass upon the question of the discrimination I have described, which, it is reported, has caused the suicide of four enlisted men? I hope the gentleman will not object.

Mr. TABER. Mr. Speaker, reserving the right to object, I understand that at the present time the War Department does provide this information for Members, but that the Navy Department has a regulation which permits the information to be given only on the request of the soldier himself. I would question the advisability of our attempting to change this rule of the Navy Department.

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

Mr. TABER. I yield.

Mr. HOEPPEL. I would like to state for the information of the gentleman from New York, who apparently did not hear my previous statements, that I have in my possession a letter from the War Department stating that this information will not be furnished to me unless it is called for by the Congress or by one of its committees.

That is the official record I hold from the War Department. I hope the gentleman will not object. The enlisted men who bear the brunt of conflict in battle are entitled to fair and just consideration in time of peace. All other citizens have the right to petition Congress for redress. Why should enlisted men be debarred from equal consideration? In justice to the enlisted men Congress should give them a break on this question.

Mr. TABER. There is doubt in my mind whether we ought to direct the War Department to give such information unless the enlisted man consents. In the Navy the rules require that the request must come from the man himself.

Mr. HOEPPEL. That is covered by this resolution. It is self-evident that a Representative can only learn of injustice and discrimination in the Army or Navy through the medium of the enlisted man himself or his family, and his complaint can only be verified by War and Navy Department records.

Mr. TABER. It is not in the resolution.

Mr. HOEPPEL. This resolution merely provides that whenever a Representative calls on the War or Navy Department for pertinent information in order to determine the merit of a complaint, such information shall be furnished. A Member of Congress may use his judgment as to the validity of a complaint.

Mr. TABER. They should, but they do not always do so.

Mr. KELLER. Mr. Speaker, will the gentleman yield for a question?

Mr. TABER. I yield.

Mr. KELLER. Why should not Members of Congress have the right to get such information?

Mr. TABER. The Navy Department feels it is hardly proper to disclose information relative to a sailor unless the sailor requests it.

Mr. KELLER. Would it not be doing the soldier or sailor a good turn? In a case like this why should not a Member be furnished with definite information? Why should not any Congressman be given any information he wants from any department? That is what I would like to know.

Mr. TABER. That is all right, but in these cases involving the Army and the Navy, not without consent of the soldier or the sailor.

Mr. SNELL. I have always gotten all the information I asked for.

Mr. KELLER. And I have got some I did not ask for; but sometimes they want to withhold information.

Mr. TABER. Mr. Speaker, I shall leave it to some Member of the majority to object.

Mr. TAYLOR of Colorado. Mr. Speaker, I object.

Mr. HOEPPEL. Will not the gentleman withhold his objection for a moment?

Mr. TAYLOR of Colorado. Mr. Speaker, I withhold the objection for the time being, but ultimately I shall object.

Mr. HOEPPEL. Then all I can say is that if there are any further suicides in Panama, the gentleman from Colorado cannot escape a share of the responsibility, nor can we, the representatives of the people, excuse our failure to recognize the plight of the enlisted man who dares not bring his complaints directly through official channels if he wishes to remain in the service. In my experience I have found that many worthy enlisted men were virtually "drummed out" of the service as a result of the arbitrary action of a commanding officer. The stigma of desertion has thus in many instances been placed upon worthy enlisted men who would not submit to continued indignities.

This resolution that I have offered will give them a chance to be heard. If objected to, I shall reintroduce the resolution, and I hope the Members, upon reflection, will recognize its merit and support it in the interest of a square deal to the enlisted man.

The regular order was demanded.

The SPEAKER. The regular order is, Is there objection to the request of the gentleman from California?

Mr. TAYLOR of Colorado. Mr. Speaker, I object.

LIMIT OF EXPENDITURE FOR REPAIRS OR CHANGES TO NAVAL VESSELS

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4760) to increase the statutory limit of expenditures for repairs or changes to naval vessels with Senate amendments, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, lines 5 and 6, strike out "$600,000 for any two consecutive fiscal years" and insert "$450,000 for any 18 consecutive months."

Amend the title so as to read "An act limiting expenditures for repairs or changes to naval vessels."

Mr. SNELL. Mr. Speaker, I think the gentleman should tell us something about these amendments.

Mr. VINSON of Georgia. Mr. Speaker, I may say to the gentleman that the bill as it passed the House permitted the annual overhauling repairs to be $600,000 in a period of 18 months. The Senate has amended it, making the sum $450,000 in a period of 18 months instead of $600,000, as in the bill which passed the House.

Mr. SNELL. If there is anything that cuts down appropriations we on this side are for it.

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

PRIVATE CALENDAR

The SPEAKER. Under the previous order of the House, the Clerk will call the bills on the Private Calendar.

HERMOSA-REDONDO HOSPITAL ET AL.

The Clerk called the first bill on the Private Calendar, H. R. 1702, for the relief of the Hermosa-Redondo Hospital, C. Max Anderson, Julian O. Wilke, Curtis A. Wherry, Hollie B. Murray, Ruth M. Laird, Sigrid I. Olsen, and Stella S. Guy.

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

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Hermosa-Redondo Hospital, Hermosa Beach, Calif., the sum of $875.17; to Dr. C. Max Anderson the sum of $331.50; to Dr. Julian O. Wilke the sum of $125; to Dr. Curtis A. Wherry the sum of $247.50; to Hollie B. Murray the sum of $30; to Ruth M. Laird the sum of $336; to Sigrid I. Olsen the sum of $77; and to Stella S. Guy the sum of $448. Such sums shall be in full settlement of all claims against the United States arising out of services rendered and supplies furnished by such hospital and persons to Knud Heinrick Mattson, seaman, first class, United States Navy, on account of injuries sustained by the said Knud Heinrick Mattson while on leave of absence from the U. S. S. *Nevada*, September 21, 1930.

With the following committee amendments:

On page 1, line 6, strike out "$875.17" and insert in lieu thereof "$865.24."

Line 7, page 1, strike out "$331.50" and insert in lieu thereof "$203."

Line 9, page 1, strike out "$247.50" and insert in lieu thereof "$180."

Page 2, line 2, strike out "$448" and insert in lieu thereof "$441; in all, $2,257.24."

In line 9, after the figures "1930", insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee 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.

OSWALD ORLANDO

The Clerk called the next bill, H. R. 2319, for the relief of Oswald Orlando.

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

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Oswald Orlando the sum of $1,000 in full satisfaction of the claim of said Oswald Orlando for injuries sustained by him as a result of the collision of a Government owned and operated motor vehicle with his automobile.

With the following committee amendments:

On page 1, line 6, after the word "of", strike out the words "the claim of said Oswald Orlando" and insert in lieu thereof "all claims against the United States," and in line 10, after the word "automobile", insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

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

WEIS-PATTERSON LUMBER CO., INC.

The Clerk called the next bill, H. R. 2432, for the relief of the Weis-Patterson Lumber Co., Inc.

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

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Weis-Patterson Lumber Co., Inc., Pensacola, Fla., the sum of $600, in full satisfaction of its claim against the United States, such sum representing damages sustained when a barge owned by the Weis-Patterson Lumber Co., Inc., and rented to the War Department was, through the negligence of the War Department, blown ashore and totally wrecked during a storm.

With the following committee amendments:

On page 2, line 1, strike out the words "through the negligence of the War Department" and insert in lieu thereof "on August 31, 1932."

Line 3, after the word "storm", insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

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

SARAH SHELTON

The Clerk called the next bill, H. R. 2982, for the relief of Sarah Shelton.

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

Mr. McFARLANE. Mr. Speaker, I object.

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

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Sarah Shelton, of Granite City, Ill., the sum of $6,000 for the death of her husband, William Shelton, who was killed by being run down by a launch under the control and charge of the deputy collector of customs, at St. Louis, Mo., while said deputy collector was in the exercise and discharge of his official duties.

With the following committee amendments:

On page 1, line 6, after "$6,000", insert "in full settlement of all claims against the United States."

On page 2, line 1, after the word "duties", insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

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

ALLEGHENY FORGING CO.

The Clerk called the next bill, H. R. 3164, for the relief of the Allegheny Forging Co.

Mr. COSTELLO and Mr. McFARLANE objected, and, under the rules, the bill was recommitted to the Committee on Claims.

E. H. JENNINGS

The Clerk called the next bill, H. R. 3759, for the relief of E. H. Jennings.

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

Be it enacted, etc., That the Postmaster General is authorized and directed to credit the account of E. H. Jennings, postmaster at Charlestown, S. C., in the sum of $100, and to certify such credit to the Comptroller General of the United States. Such sum represents the amount of a counterfeit gold certificate accepted at the Charlestown post office on May 9, 1933.

With the following committee amendments:

On page 1, line 3, strike out the words "Postmaster General" and insert in lieu thereof "Comptroller General of the United States."

Line 6, after "$100", strike out the words "and to certify such credit to the Comptroller General of the United States. Such sum represents" and insert in lieu thereof the word "representing."

The committee amendments were agreed to.

Mr. HANCOCK of New York. Mr. Speaker, I ask unanimous consent that the word "Charlestown" may be corrected to read "Charleston."

The SPEAKER. Without objection, the correction will be made.

There was no objection.

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.

D. E. WOOLDRIDGE

The Clerk called the next bill, H. R. 3943, for the relief of D. E. Wooldridge.

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

M. P. CREATH

The Clerk called the next bill, H. R. 4038, for the relief of M. P. Creath.

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

ANNA CAPORASO

The Clerk called the next bill, H. R. 4256, for the relief of Anna Caporaso.

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

ENLISTED MEN OF THE MARINE CORPS

The Clerk called the next bill, H. R. 4846, to provide for the reimbursement of certain enlisted men and former enlisted men of the Marine Corps for the value of personal effects lost, damaged, or destroyed by fire at the Marine Barracks, Quantico, Va., on October 5, 1930.

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

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum or sums, amounting in the aggregate not to exceed $2,860.04, as may be required by the Secretary of the Navy to reimburse, under such regulations as he may prescribe, enlisted men or former enlisted men of the Marine Corps for the value of personal effects lost as a result of the fire which occurred at the Marine Barracks, Quantico, Va., on October 5, 1930.

With the following committee amendment:

On page 2, line 2, after the figures "1930", insert "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

CLAIMS OF MILITARY PERSONNEL

The Clerk called the next bill, H. R. 4852, to authorize the settlement of individual claims of military personnel for damages to and loss of private property incident to the training, practice, operation, or maintenance of the Army.

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

Be it enacted, etc., That the General Accounting Office be, and is hereby, authorized and directed to pay the following claims of military personnel and civilian employees in the amounts shown which have been approved and recommended for payment by the Secretary of War, for damages to and loss of private property of such personnel incident to the training, practice, operation, or maintenance of the Army, and that such payments be made from the present appropriation of the War Department entitled "Claims for Damages to and Loss of Private Property": Maynard R. Ashworth, captain, Infantry Reserves, $33.40; John B. Bowman, first sergeant, $29; Robert J. Benton, corporal, $25; John H. Brimberry, first sergeant, $63.52; Charles F. Bryan, civilian employee, $7.40; John H. Burns, captain, Infantry, $11; Frank L. Blue, Jr., lieutenant, Corps of Engineers, $450; Lionel J. Croteau, sergeant, $99.05; Charles H. Coy, staff sergeant, $9.75; Grovener C. Charles, lieutenant, Infantry, $15; Samuel L. Davidson, warrant officer, $4.90; Daniel Farrer, master sergeant, $23.25; Louis H. Foote, lieutenant, Corps of Engineers, $4.50; Francis S. Gardner, lieutenant, Field Artillery, $14.20; John F. Hartman, sergeant, $59; James P. Hodges, captain, Air Corps, $98.50; Daniel H. Hundley, lieutenant, Infantry, $16; M. E. Jennings, lieutenant, Chemical Warfare Service, $150; A. D. Johnson, captain, Infantry, $95.65; Carl A. Kastle, sergeant, $18; H. Koontz, civilian employee, $41.53; Grover McEntire, warrant officer, $58.78; Shockley D. Mullinix, staff sergeant, $1.10; Richard McCranie, civilian employee, $18.22; Huna Putchkoff, technical sergeant, $30; Henry Pascale, captain, Air Corps, $20.50; J. W. Richards, civilian employee, $8.50; John V. Schultheis, Sr., master sergeant, $18.86; Arnold W. Shutter, captain, Field Artillery, $11.85; Charles D. Schultz, civilian employee, $8; Richard J. Sorensen, private, $219.45; and Roger M. Wicks, lieutenant, Field Artillery, $45.

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.

MARIE LINSENMEYER

The Clerk called the next bill, H. R. 4999, for the relief of Marie Linsenmeyer.

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

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Marie Linsenmeyer, out of any money in the Treasury not otherwise appropriated, the sum of $112.50 in full settlement of all claims against the Government on account of personal injuries received by the said Marie Linsenmeyer on the 18th day of December 1930, at the post-office building at Burlington, Des Moines County, Iowa.

With the following committee amendment:

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

The committee amendment was agreed to.

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

D. E. SWEINHART

The Clerk called the next bill, H. R. 5127, for the relief of D. E. Sweinhart.

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

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to D. E. Sweinhart, of San Antonio, Tex., the sum of $5,000, as compensation for the death of his son, Edward Sweinhart, a minor, who was killed at San Antonio, Tex., on October 14, 1917, by the negligent driving of a United States Government truck.

With the following committee amendments:

Page 1, line 6, after "$5,000", strike out "as compensation" and insert in lieu thereof "in full settlement of all claims against the United States."

In line 11, after the word "truck", insert: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

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

ADJOURNMENT OVER

Mr. BOILEAU. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

Mr. TRUAX. Mr. Speaker, reserving the right to object, I would like to have the gentleman recall that on several occasions requests have been made to address the House during consideration of the Private Calendar. These requests were objected to by the Chairman of the Rules Committee, the gentleman from New York [Mr. O'CONNOR], and I simply want to know whether this is to be regarded as a precedent already established, or are we to waive that precedent and now permit such unanimous-consent requests.

Mr. BOILEAU. I want to make a statement as to the reason why I objected to the request of the gentleman from Colorado to adjourn over until Monday and then withdraw my objection.

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

There was no objection.

Mr. BOILEAU. Mr. Speaker, the majority leader earlier in the afternoon presented a unanimous-consent request that when the House adjourns today it adjourn to meet on Monday next. I objected to that request for the only reason that tomorrow is the last legislative day that the Members favoring the Frazier-Lemke bill could sign the petition in order to insure a vote on that bill on the next consent day. The petition must be completed and on the table for 7 legislative days before consent day before its consideration is in order.

In view of the withdrawals we lack 10 signatures, and I am satisfied that it will be impossible to get that many signatures by tomorrow, and we will therefore have to bring it up on the second consent day. I have consulted with the gentleman from North Dakota [Mr. LEMKE], and I now withdraw my objection to the unanimous-consent request propounded by the majority leader.

Mr. McFARLANE. Reserving the right to object, how many signatures do you now lack?

Mr. BOILEAU. We now lack 10 signatures.

Mr. TAYLOR of Colorado. Mr. Speaker, I now renew my request that when the House adjourns today it adjourn to meet on Monday next.

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

Mr. TRUAX. Mr. Speaker, reserving the right to object, and I do not intend to object, I would like to ask the gentleman from Wisconsin [Mr. BOILEAU] if he knows why these withdrawals have been made—what is the incentive to these Members to gain their withdrawals?

Mr. BOILEAU. I have my own opinion, but not backed up by sufficient evidence.

Mr. HOEPPEL. I can tell the gentleman. I was requested to withdraw my signature, and I declined. The reason given to me was that if the Democratic Members did not withdraw they would be put on the spot.

The SPEAKER. Is there objection to the request of the gentleman from Colorado that when the House adjourns today it adjourn to meet on Monday next?

There was no objection.

PRIVATE CALENDAR

MARY BROWN RALEY

The Clerk called the bill (H. R. 5750) for the relief of Mary Brown Raley.

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

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mary Brown Raley the sum of $750.50 for injuries sustained in an automobile accident, in collision with an Army truck in Baltimore, Md., October 10, 1932.

With the following committee amendments:

After the figures "$750.50" in line 6, insert "in full settlement of all claims against the United States", and in line 9, after the figures "1932", strike out the period, add a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

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

JAMES J. CURRAN

The Clerk called the bill (H. R. 5781) for the relief of the widow and next of kin of James J. Curran.

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

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the administrator appointed in the courts of the State of New York of the estate of James J. Curran, of Manhattan Borough, New York City, the sum of $10,000 as damages sustained by reason of the killing of said James J. Curran, who died in Manhattan Borough, New York City, on October 25, 1919, as a result of injuries received at New York City on October 22, 1919, by being run down by a Government-owned automobile truck operated by an employee of the United States Postal Service under the jurisdiction of the New York post office, such sum of $10,000 to be distributed to said decedent's widow and next of kin as damages in an action for causing death by a wrongful act under the laws of the State of New York.

With the following committee amendments:

Page 1, line 8, after the word "of", strike out "$10,000 as damages sustained by reason of the killing of said" and insert in lieu thereof "$5,000 in full settlement of all claims against the United States for the death of."

Page 2, line 5, strike out "$10,000" and insert "$5,000"; and at the end of line 8, strike out the period, insert a colon and the following:

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

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

CREDITORS OF J. R. & J. A. WHELAN

The Clerk called the bill (H. R. 5790) for the relief of certain creditors of J. R. & J. A. Whelan, Inc.

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

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to James T. O'Connell, trustee for the creditors of J. R. & J. A. Whelan, Inc., the sum of $10,985; to refund to the creditors the amount of penalty collected by the Government for the failure of J. R. & J. A. Whelan, Inc., to complete a contract, Noy–1076 (specification 6437), within the time specified in the contract.

With the following committee amendments:

Page 1, line 4, after the word "pay", insert "out of any money in the Treasury not otherwise appropriated"; and in line 6, after the word "incorporated", insert "in full settlement of all claims against the United States."

Line 8, strike out "$10,985" and insert "$9,880"; page 2, line 2, strike out the period, insert a colon and the following:

"*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated

in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

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

BARLOW-MOORE TOBACCO CO.

The Clerk called the bill (S. 239) for the relief of the Barlow-Moore Tobacco Co.

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

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Barlow-Moore Tobacco Co., of Bowling Green, Ky., the sum of $311.04, representing the value of tobacco stamps purchased by that company as payment of duty on manufactured tobacco reimported and returned to the factory to be reworked: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 7, strike out the word "representing" and insert "in full settlement of all claims against the United States for."

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

ELMER E. MILLER

The Clerk called the bill (S. 365) conferring jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of Elmer E. Miller.

The SPEAKER. Is there objection?

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

KORBER REALTY, INC.

The Clerk called the bill (S. 428) authorizing adjustment of the claim of Korber Realty, Inc.

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

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of Korber Realty, Inc., under lease numbered VBr-806, dated April 28, 1931, on account of failure to restore to former condition quarters occupied during the period ended June 30, 1932, by the Albuquerque office of the Veterans' Administration, and to allow not to exceed $500 in full and final settlement of said claim. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $500, or so much thereof as may be necessary, for payment of the claim: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

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

MRS. GEORGE F. FREEMAN

The Clerk called the bill (S. 475) for the relief of Mrs. George F. Freeman.

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

Be it enacted, etc., That the requirements of sections 15 to 20, both inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, are hereby waived in the case of the late Dr. George F. Freeman, formerly employed by the Department of Agriculture as director of the Agriculture Experiment Station, Mayaguez, P. R., who died on September 16, 1930, and whose death is alleged to have resulted from injuries sustained in the course of such employment, and the United States Employees' Compensation Commission is authorized and directed to consider and act upon any claim which may be filed with such Commission by Mrs. George F. Freeman, widow of such Dr. George F. Freeman, within 1 year from the date of enactment of this act, for compensation under the provisions of such act of September 7, 1916, as amended, for the death of such Dr. George F. Freeman; but compensation, if any, shall be paid from and after the date of enactment of this act. Such payments of compensation shall be made out of funds heretofore or hereafter appropriated for the payment of awards under the provisions of such act, as amended.

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

H. KAMINSKI & CO.

The Clerk called the bill (S. 538) for the relief of H. Kaminski & Co., Kaminski Hardware Co., and the Carolina Hardware Co.

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

JOHN MULHERN

The Clerk called the bill (S. 814) for the relief of John Mulhern.

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

LT. COMDR. G. C. MANNING

The Clerk called the next bill, S. 884, for the relief of Lt. Comdr. G. C. Manning.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lt. Comdr. G. C. Manning the sum of $146 as reimbursement for damages to his furniture by the Navy in shipment from Shanghai, China, to New York.

With the following committee amendments:

Page 1, line 6, after the figures, strike out "as reimbursement" and insert in lieu thereof "in full settlement of all claims against the United States"; page 1, line 9, after the words "New York", insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

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

MRS. GUY A. M'CONOHA

The Clerk called the next bill, S. 951, for the relief of Mrs. Guy A. McConoha.

The SPEAKER. Is there objection?

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

ZELMA HALVERSON

The Clerk called the next bill, S. 952, for the relief of Zelma Halverson.

The SPEAKER. Is there objection?

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

WHITE BROS. & CO.

The Clerk called the next bill, S. 1054, authorizing adjustment of the claim of White Bros. & Co.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of the White Bros. & Co., a partnership composed of John W. White, Jr., Will J. White, A. P. White, and Madison

White, for a refund of an advance payment of rent for the property known as the Little Rock Air Depot, Little Rock, Ark., under their War Department lease no. W–766–qm–291, dated May 23, 1930, rent having been paid in advance for the period ending February 22, 1932, and the War Department having exercised its option to terminate the lease effective December 31, 1931, and to allow in full and final settlement of said claim not to exceed the sum of $341.92. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $341.92, or so much thereof as may be necessary to pay said claim: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

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

ETHEL G. REMINGTON

The Clerk called the next bill, S. 1099, for the relief of Ethel G. Remington.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ethel G. Remington, the sum of $200, in full and final settlement of all claims against the Government for injuries sustained resulting from a collision involving United States Army truck no. 429912 on May 27, 1934, near Hayden Lake, Idaho: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

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

SNARE & TRIEST CO., NOW FREDERICK SNARE CORPORATION

The Clerk called the next bill, S. 1328, for the relief of the Snare & Triest Co., now Frederick Snare Corporation.

The SPEAKER. Is there objection?

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

ROBERT D. BALDWIN

The Clerk called the next bill, S. 1498, for the relief of Robert D. Baldwin.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the accounts of Robert D. Baldwin, superintendent and special disbursing agent of the Haskell Institute, at Lawrence, Kans., for an expenditure of $1,359.26 made in October 1931 and paid from the appropriation for Indian boarding schools, fiscal year 1932.

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

ROBERT J. ENOCHS

The Clerk called the next bill, S. 1499, for the relief of Robert J. Enochs.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the accounts of Dr. Robert J. Enochs, former superintendent and special disbursing agent of the Choctaw Indian Agency, Philadelphia, Miss., for an expenditure of $80.07 made in January 1932 for shoes, and paid from the appropriation "Support of Indians and administration of Indian property, 1932."

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

CARL C. CHRISTENSEN

The Clerk called the next bill, S. 1566, for the relief of Carl C. Christensen.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Carl C. Christensen, of Spider Lake, Vilas County, Wis., the sum of $3,500, in full satisfaction of all claims of said Carl C. Christensen against the United States for damages resulting from personal injuries sustained by him on April 22, 1934, when shot by one Lester M. Gillis (alias Baby Face Nelson), while assisting two agents of the Department of Justice, Division of Investigation, in their endeavor to apprehend one John Dillinger and his associates: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

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

GUY CLATTERBUCK

The Clerk called the next bill, S. 1872, for the relief of Guy Clatterbuck.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $35 to Guy Clatterbuck, a forest ranger employed on the Flathead National Forest, State of Montana, in payment for a horse which was lost during a forest fire in said national forest: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

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

CAPT. ROBERT E. COUGHLIN

The Clerk called the next bill, H. R. 3214, for the relief of Capt. Robert E. Coughlin.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of Capt. Robert E. Coughlin, Engineer Corps, United States Army, in the sum of $165 on account of stoppage of pay as the result of alleged neglect of duty while stationed at Fort Worden, Wash., during the year 1922, and to certify the same to Congress for an appropriation.

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.

DAVID HUGHES

The Clerk called the next bill, H. R. 2394, for the relief of David Hughes.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers David Hughes, late of Battery H, Sixth Regiment United States Artillery, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on December 12, 1898: *Provided*, That no bounty, back pay, or allowance shall be held to have accrued prior to the passage of this act.

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

JOHN P. SMITH, DECEASED

The Clerk called the next bill, H. R. 2393, for the relief of John P. Smith, deceased.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers John P. Smith, deceased, who was a member of Company A, Thirtieth Regiment United States Infantry, and Company I, Thirtieth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 13th day of November 1902: *Provided*, That no bounty, back pay, or allowance shall be held to have accrued prior to the passage of this act.

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

ROWESVILLE OIL CO.

The Clerk called the next bill, H. R. 237, for the relief of the Rowesville Oil Co.

The SPEAKER. Is there objection?

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

FARMERS' STORAGE & FERTILIZER CO.

The Clerk called the next bill, H. R. 254, for the relief of the Farmers' Storage & Fertilizer Co., of Aiken, S. C.

The SPEAKER. Is there objection?

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

AUGUST A. CARMINATI

The Clerk called the next bill, H. R. 1437, for the relief of August A. Carminati.

The SPEAKER. Is there objection?

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

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to August A. Carminati, out of any money in the Treasury not otherwise appropriated, the sum of $505.40 in full settlement of all claims against the Government resulting from personal injuries received by him, while in the discharge of his duty, as an employee of the United States Naval Intelligence Bureau, and as a result of being injured in an automobile accident in August 1917.

With the following committee amendment:

Page 1, line 6, strike out "$505.40" and insert in lieu thereof "$263.80."

The committee amendment was agreed to.

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

JAMES H. BELL

The Clerk called the next bill, H. R. 1286, for the relief of James H. Bell (or James Bell).

The SPEAKER. Is there objection?

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

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers James H. Bell (or James Bell), who was a member of Troop C, First Regiment Tennessee Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 20th day of September 1862; and notwithstanding any provisions to the contrary in the act relating to pensions approved April 26, 1898, as amended by the act approved May 11, 1908: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

FELIX NOWICKI

The Clerk called the next bill, H. R. 1471, for the relief of Felix Nowicki.

The SPEAKER. Is there objection?

Mr. HANCOCK of New York and Mr. HALLECK objected, and, under the rule, the bill was recommitted to the Committee on Military Affairs.

EMANUEL WALLIN

The Clerk called the next bill, H. R. 800, for the relief of Emanuel Wallin.

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent to substitute a similar Senate bill, S. 2292, for the House bill.

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

There was no objection.

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

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

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Emanuel Wallin, out of the funds in the Treasury belonging to the Chippewa Tribe of Indians in Minnesota, the sum of $101.90, and out of any money in the Treasury not otherwise appropriated, the sum of $9.30, as reimbursement in full of moneys paid the Government in connection with his homestead entry, Crookston, Minn., 010750: *Provided*, That the Secretary of the Interior be, and he is hereby, authorized in his discretion to allow Emanuel Wallin, his heirs or assigns, to select, by legal subdivisions, 160 acres of surveyed vacant, unappropriated public land, unreserved except by Executive Order No. 6910 of November 26, 1934, and Executive Order No. 6964 of February 5, 1935, under the general homestead law, or 320 acres under the enlarged homestead law, or 640 acres under the stock-raising homestead law, free from lawful claim, anywhere in the United States where there are public lands subject to such entry, and receiving United States patent for such lands without payment to the United States of any fees, commissions, or other moneys, and without further compliance with the homestead laws in connection therewith, and the submission of proof thereof, the patent, however, to contain a reservation of mineral to the United States, if necessary, is in other entries under the same law.

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

A similar House bill (H. R. 800) was laid on the table.

LILLIAN G. FROST

The Clerk called the next bill, S. 312, for the relief of Lillian G. Frost.

The SPEAKER. Is there objection?

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

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Lillian G. Frost, mother of Franklin Blaine Frost, late vice consul and third secretary, Department of State, the sum of $3,500, being 1 year's salary of her deceased son, who died while in the Foreign Service; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this act.

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

EDWARD SHIPPEN WEST

The Clerk called the next bill, H. R. 4858, for the relief of Edward Shippen West.

The SPEAKER. Is there objection?

Mr. McFARLANE. Mr. Speaker, I object.

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

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to summon Edward Shippen West, late captain of Cavalry in the Regular Army of the United States, before a retiring board for the purpose of hearing his case and to inquire into all facts touching upon the nature of his disabilities, to determine and report the disabilities which in its judgment have produced his incapacity and whether such disabilities were incurred during his active service in the Army and were in line of duty. That if the findings of such board are in the affirmative, the President is further authorized, in his discretion, to nominate and appoint, by and with the advice and consent of the Senate, the said Edward Shippen West as a captain of Cavalry in the Regular Army of the United States and to place him immediately thereafter upon the retired list of the Army with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for the officers of the Regular Army: *Provided*, That the said Edward Shippen West shall not be entitled to any back pay or allowance by the passage of this act.

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

ARCHIE J. M'KEE

The Clerk called the next bill, H. R. 7992, for the relief of Archie J. McKee.

The SPEAKER. Is there objection?

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

PATRICK COLLINS

The Clerk called the next bill, H. R. 7509, for the relief of Patrick Collins.

The SPEAKER. Is there objection?

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

ALBERT M. JOHNSON AND WALTER SCOTT

The Clerk called the next bill, H. R. 2476, to grant a patent to Albert M. Johnson and Walter Scott.

The SPEAKER. Is there objection?

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

Be it enacted, etc., That subject to prior valid existing rights the Secretary of the Interior is hereby authorized to issue a patent to Albert M. Johnson and/or Walter Scott (Death Valley Scotty) for the following-described land in the Death Valley National Monument upon payment therefor at the rate of $1.25 per acre or under any applicable public-land law subject, however, to the reservation of such rights-of-way as the said Secretary may determine to be necessary or advisable for use in connection with the administration of said monument, to wit:

Those parts of sections 1, 2, 3, 4, 9, 10, 11, and 12, township 11 south, range 42 east; and those parts of sections 5, 6, and 7, township 11 south, range 43 east, Mount Diablo meridian, Calif., occupied by Albert M. Johnson and/or Walter Scott in the form of Upper and Lower Grapevine Ranches and marked on the ground by concrete fence posts according to the Roger Wilson survey of 1931 and on file in the General Land Office; also the remainder of the southwest quarter northwest quarter section 10, township 11 south, range 42 east; and south half northwest quarter section 6, township 11 south, range 43 east; containing, in all, approximately 1,500 acres.

With the following committee amendments:

Page 2, line 3, strike out the figure "9."

Page 2, line 12, after the word "east", strike out the semicolon and insert a comma.

Page 2, line 12, after the words "northwest quarter", insert the following language: "(lots 11 and 12)".

Page 2, line 14, after the word "acres", change the period to a colon and insert the following:

"*Provided*, That such patent shall contain a reservation to the United States of all the minerals the land may contain, together with the right to prospect for, mine and remove the same; such minerals to be subject to disposal by the United States only as may hereafter be expressly authorized by law.

"*And provided further*, That such land shall not be used for any purpose inconsistent with the rules and regulations governing national monuments: *And provided further*, That in the event of transfer of title to the whole of this property or any estate therein by either one or both patentees, by voluntary conveyance or by operation of law, the Secretary of the Interior shall be authorized to reacquire the land by purchase, condemnation, or otherwise out of such funds as may be made available by Congress for this purpose."

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.

UTAH GILSONITE CO.

The Clerk called the next bill, S. 377, to grant to the Utah Gilsonite Co. the right to use a water well on certain public lands in Utah.

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

Be it enacted, etc., That the Utah Gilsonite Co., a Missouri corporation, doing business in the State of Utah, be, and it is hereby, granted the right to use the water well now held by it on the northwest quarter of the northwest quarter of section 20, township 9 south, range 24 east, Salt Lake meridian, in Uintah County, Utah, for the purpose of supplying water for culinary and other beneficial purposes to its camp about 2 miles distant, and so much land around said well, not exceeding 5 acres, as needed for the protection and use thereof, upon condition that the company pay to the United States through the register of the Salt Lake City district land office a yearly rental of $5, the first payment to be made within 60 days after the passage of this act, and annually thereafter on the anniversary date hereof, and the continued use of the well for the purpose of supplying water to its camp: *Provided*, That upon failure to comply with said conditions, or either of them, for a continuous period of 1 year, the Secretary of the Interior may by appropriate proceedings declare said right forfeited and terminate the same.

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

CHARLES A. GETTYS

The Clerk called the next bill, H. R. 2165, for the relief of Charles A. Gettys.

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

Be it enacted, etc., That Charles A. Gettys, chief torpedoman, United States Naval Reserve, shall be considered to have had, for pay purposes, at the time of transfer from the United States Navy to the United States Naval Reserve, 16 years' and 1 day's active service in the United States Navy: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

LT. COMDR. G. C. MANNING

The Clerk called the next bill, H. R. 2331, for the relief of Lt. Comdr. G. C. Manning.

The SPEAKER. The Chair is advised that a similar bill, House Calendar 427, was passed a few minutes ago. Without objection, this bill, H. R. 2331, will be laid on the table.

There was no objection.

MISNER JANE HUMPHREY

The Clerk called the next bill, H. R. 2923, for the relief of Misner Jane Humphrey.

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

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers or sailors John D. Humphrey, seaman, shall hereafter be held and considered to have been honorably discharged from the naval service of the United States on the 30th day of June 1865: *Provided*, That no compensation, retirement pay, back pay, pension, or other benefit shall be held to have accrued prior to the passage of this act.

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

WILLIAM ROBERT JACKSON

The Clerk called the next bill, H. R. 6341, for the relief of William Robert Jackson.

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

LT. COL. FRANCIS T. EVANS

The Clerk called the next bill, H. R. 6708, to authorize the presentation of a Distinguished Flying Cross to Lt. Col. Francis T. Evans, United States Marine Corps.

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

Be it enacted, etc. That the President is hereby authorized to present a Distinguished Flying Cross to Lt. Col. Francis T. Evans, United States Marine Corps, for extraordinary achievement while participating in an aerial flight prior to April 6, 1917: *Provided*, That the President shall ascertain that the achievement was of such character as to justify the award.

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

FREDERICK HARRIS

The Clerk called the next bill, H. R. 3507, for the relief of Frederick Harris.

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

JAMES ZANETTI

The Clerk called the next bill, H. R. 4047, granting 6 months' pay to James Zanetti.

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

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to pay, out of the appropriation "Pay of the Navy, 1935", to James Zanetti, father of the late Joseph Zanetti, United States Navy, an amount equal to 6 months' pay at the rate said Joseph Zanetti was receiving at the date of his death.

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

CHARLES D. JERONIMUS

The Clerk called the next bill, H. R. 4084, for the relief of Charles D. Jeronimus.

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

Be it enacted, etc., That the service rendered by Charles D. Jeronimus as a member of the Naval Militia of Minnesota from April 21, 1920, to June 19, 1920, in fitting out the United States ship *Essex* and in service on a cruise of the Naval Militia shall be considered for all purposes as active service for training in the United States Naval Reserve Force under his enrollment from July 18, 1920, to July 17, 1924, and that the Secretary of the Navy be, and he is hereby, authorized and directed to cause the records of the said Charles D. Jeronimus in the Navy Department to be corrected to conform with this authorization, to the end that the said Charles D. Jeronimus shall be entitled to all pay, benefits, and emoluments conferred by law or regulation by reason of such active service and training; and to refund to the said Charles D. Jeronimus from current appropriations for the Naval Reserve the sum of $99, representing retainer pay which was paid him during the period July 18, 1923, to October 17, 1923, and subsequently deducted upon his reenrollment in the Naval Reserve Force of August 18, 1924: *Provided*, That no other bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

On page 2, line 7, strike out "$99" and insert in lieu thereof "$152.23".

The committee amendment was agreed to.

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

MAX DOLE GILFILLAN

The Clerk called the next bill, H. R. 4092, for the relief of Max Dole Gilfillan.

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

ALBERT HENRY GEORGE

The Clerk called the next bill, H. R. 5099, for the relief of Albert Henry George.

Mr. HANCOCK of New York and Mr. HALLECK objected, and, under the rule, the bill was recommitted to the Committee on Naval Affairs.

FRANCIS LEO SHEA

The Clerk called the next bill, H. R. 5620, for the relief of Francis Leo Shea.

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

DAVID N. AIKEN

The Clerk called the next bill, H. R. 6254, for the relief of David N. Aiken.

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

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers or sailors David N. Aiken, late assigned to the Naval Operating Base of the United States Marine Corps, shall hereafter be held and considered to have been honorably discharged from the naval service of the United States on the 16th day of March 1929: *Provided*, That no compensation, retirement pay, back pay, pension, or other benefit shall be held to have accrued prior to the passage of this act.

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

BRIG. GEN. ROBERT H. DUNLAP

The Clerk called the next bill, H. R. 7110, to authorize the President to bestow the Congressional Medal of Honor upon Brig. Gen. Robert H. Dunlap, United States Marine Corps, deceased.

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

Be it enacted, etc., That the President of the United States is hereby authorized to bestow the Congressional Medal of Honor upon Brig. Gen. Robert H. Dunlap, United States Marine Corps, for distinguishing himself conspicuously by extraordinary courage on May 19, 1931, at LaFariniere, Cino Mars la Pile, France, where he met his death in a supreme effort to save the life of a French peasant woman, and to deliver said medal to Katherine W. Dunlap, the widow of Brigadier General Dunlap.

With the following committee amendment:

On page 1, line 7, strike out "Cino Mars la Pile" and insert in lieu thereof "Cinq-Mars-la-Pile."

The committee amendment was agreed to.

Mr. HANCOCK of New York. Mr. Speaker, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. HANCOCK of New York: On page 1, line 4, after the word "the", strike out the words "Congressional Medal of Honor" and insert "Navy Cross."

The amendment was agreed to.

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

J. HAROLD ARNOLD

The Clerk called the next resolution, House Joint Resolution 179, authorizing the President to present in the name of Congress a Medal of Honor to J. Harold Arnold.

There being no objection, the Clerk read the joint resolution, as follows:

Resolved, etc., That the President is authorized to present in the name of Congress a Medal of Honor to J. Harold Arnold, who enlisted as A. A. Schovan, and whose name now appears on record as J. Harold Arnold, formerly drummer of the Thirty-first Company, Fourth Regiment United States Marine Corps, who, in action involving actual conflict with the enemy, distinguished himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty.

Mr. HANCOCK of New York. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK of New York: On page 1, line 3, after the word "present", strike out "in the name of Congress a Medal of Honor" and insert in lieu thereof the words "the Navy Cross."

The amendment was agreed to.

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

OMNIBUS CLAIMS BILL

The Clerk called the next bill, H. R. 8060, for the relief of sundry claimants, and for other purposes.

The SPEAKER. The Chair will state that this bill will be passed over, inasmuch as the order of the House was to consider individual bills and not omnibus bills.

SAMUEL MADISON STRANGE

The Clerk called the next bill, H. R. 830, for the relief of Samuel Madison Strange.

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

Be it enacted, etc., That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, the United States Employees' Compensation Commission is hereby authorized and directed to receive and consider, when filed, the claim of Samuel Madison Strange for disability alleged to have been incurred by him on or about May 1, 1918, and on or about May 27,

1919, while in the employment of the navy yard, Navy Department, at Norfolk, Va., and to determine said claim upon its merits under the provisions of said act.

With the following committee amendments:

Page 1, line 10, strike out the word "Samuel" and insert in lieu thereof the word "Sanford."

Page 2, line 4, insert a colon and the following: "*Provided*, That no benefits shall accrue prior to the approval of this act."

The committee amendments were agreed to.

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

A motion to reconsider was laid on the table.

The title was amended to read: "A bill for the relief of Sanford Madison Strange."

JOHN R. ALLGOOD

The Clerk called the next bill, H. R. 2421, for the relief of John R. Allgood.

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

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,500 to John R. Allgood, of Athens, Ga., for injuries sustained in line of duty as mail messenger in August 1923.

With the following committee amendments:

Page 1, line 6, after the word "Georgia", insert "in full settlement of all claims against the United States."

Page 1, line 8, after "1923", insert the following: ": *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill 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.

BEN D. SHOWALTER

The Clerk called the next bill, H. R. 2707, for the relief of Ben D. Showalter.

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

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ben D. Showalter, during his natural life, the sum of $100 per month, to date from the passage of this act, as compensation for disability sustained while in the line of his duties as electroplater at the arsenal, Rock Island, Ill., said monthly payments to be paid through the United States Employees' Compensation Commission: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Strike out all after the enacting clause on page 1, line 3, down to and including page 2, line 12, and insert "That the United States Employees' Compensation Commission be, and it is hereby, authorized and directed to extend the benefits provided under the act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes', approved September 7, 1916, as amended, to Ben D. Showalter, for total disability suffered by him while in the performance of his duty as the result of disease (eczema) which was proximately caused by his employment during his period of service from April 22, 1912, to June 1, 1920, as an electroplater at the Rock Island Arsenal, Rock Island, Ill.: *Provided*, That no benefits hereunder shall accrue prior to the passage of this act: *Provided further*, That no claim for legal services or for any other services rendered in respect of the claim for compensation of Ben D. Showalter shall be valid unless approved by said Commission; and any person who receives any fee, other consideration, or any gratuity on account of services so rendered, unless such fee, consideration, or gratuity is approved by the said Commission, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than $1,000 or by imprisonment not to exceed 1 year, or both."

The committee amendment was agreed to.

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

JOSE MUNDEN

The Clerk called the bill (H. R. 2970) for the relief of Jose Munden.

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

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jose Munden, formerly a rural letter carrier out of Longview, Tex., remuneration for the loss of 6 months' retirement pay at the rate of $1,200 per annum less 3½ percent which deducted on retirement fund.

With the following committee amendment:

On page 1, line 7, strike out the word "remuneration" and insert "the sum of $583.26 in full settlement of all claims against the United States"; page 1, line 10, after the word "fund", insert "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

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

FRANK W. CHILDRESS

The Clerk called the bill (H. R. 2974) for the relief of Frank W. Childress.

The SPEAKER. Is there objection?

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

NINA DRIPS

The Clerk called the bill (H. R. 3282) for the relief of Nina Drips.

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

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Nina Drips the sum of $7,500. Such sum shall be in full settlement of all claims against the United States on account of injuries sustained by the said Nina Drips on or about the 10th day of October 1932 while aboard a boat provided by the Navy Department of the United States plying between the Fifth Street Landing at San Pedro, Calif., and the U. S. S. *Relief*, lying in the harbor of San Pedro at San Pedro, Calif.

With the following committee amendment:

On page 1, line 5, strike out the figures "$7,500" and insert "$1,500."

Mr. McFARLANE. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Instead of the sum of $1,500 in the committee amendment insert "$118."

The SPEAKER. The question is on the amendment offered by the gentleman from Texas to the committee amendment.

The amendment was agreed to.

The committee amendment as amended was agreed to.

The Clerk read the following further committee amendment:

On page 2, line 1, after the word "California", insert "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, with-

hold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

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

MARY A. COX

The Clerk called the bill (H. R. 3562) for the relief of Mary A. Cox.

The SPEAKER. Is there objection?

Mr. COSTELLO and Mr. TRUAX objected.

LEWIS E. MAGWOOD

The Clerk called the next bill, H. R. 3762, to confer jurisdiction upon the United States District Court for the Eastern District of South Carolina to determine the claim of Lewis E. Magwood.

The SPEAKER. Is there objection?

Mr. COSTELLO, Mr. TRUAX, and Mr. McFARLANE objected.

ANDREW JOHNSON

The Clerk called the bill (H. R. 4364) for the relief of Andrew Johnson.

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

ALBERT GONZALES

The Clerk called the bill (H. R. 4373) for the relief of Albert Gonzales.

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

RALPH RIESLER

The Clerk called the bill (H. R. 4697) for the relief of Ralph Riesler.

Mr. McFARLANE and Mr. COSTELLO objected, and the bill was recommitted to the Committee on Claims.

WEYMOUTH KIRKLAND AND ROBERT N. GOLDING

The Clerk called the bill (H. R. 4829) for the relief of Weymouth Kirkland and Robert N. Golding.

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

CHARLES E. MOLSTER

The Clerk called the bill (H. R. 4848) for the relief of Charles E. Molster, disbursing clerk, Department of Commerce, and Dr. Louis H. Bauer, a former employee.

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

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit in the accounts of Charles E. Molster, disbursing clerk, Department of Commerce, the sums of $1.25 paid to Frank L. Montague, Jr. (voucher no. 357593); $21.40 paid to Lt. Henry R. Angell, Air Corps, United States Army (vouchers nos. 27104 and 27105); and $21 paid to Dr. Louis H. Bauer (voucher no. 53755), which payments were later disallowed by the Comptroller General of the United States: *Provided*, That Dr. Louis H. Bauer shall not be required to refund to the Government the sum of $129, representing the amount paid by the Government for travel by Dr. Bauer from Habana, Cuba, to Cristobal, Panama, pursuant to orders of the Secretary of Commerce (voucher no. 62903, transportation request no. 151290).

With the following committee amendment:

Page 1, line 3, strike out "General Accounting Office" and insert "Comptroller General of the United States."

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

REIMBURSEMENT OF CERTAIN CIVILIAN EMPLOYEES, HAMPTON ROADS

The Clerk called the bill (H. R. 4851) to provide for the reimbursement of certain civilian employees of the naval operating base, Hampton Roads, Va., for the value of tools lost in a fire at Pier No. 7 at the naval operating base on May 4, 1930.

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

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum or sums, amounting in the aggregate not to exceed $245.17, as may be required by the Secretary of the Navy to reimburse, under such regulations as he may prescribe, employees of the naval operating base, Hampton Roads, Va., for the value of tools owned by said employees lost as a result of the fire which destroyed Pier No. 7 at the naval operating base on May 4, 1930.

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

MAJ. E. LESLIE MEDFORD

The Clerk called the bill (H. R. 4923) for the relief of Maj. E. Leslie Medford, United States property and disbursing officer for Maryland.

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

Be it enacted, etc., That the Comptroller General be, and he is hereby, authorized and directed to credit Maj. E. Leslie Medford, United States property and disbursing officer for Maryland, in his accounts with the sum of $1,200, which amount was disallowed by the Comptroller General because of the purchase in July 1932, of 20 flat saddles for the Maryland National Guard, without complying, through inadvertence and oversight, with the provisions of the act of March 8, 1932 (47 Stat. 62), requiring purchase of military articles of American growth, production, and manufacture.

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

MRS. CHARLES F. EIKENBERG

The Clerk called the bill (H. R. 5078) for the relief of Mrs. Charles F. Eikenberg.

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

MARY E. LORD

The Clerk called the bill (H. R. 5097) for the relief of Mary E. Lord.

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

Be it enacted, etc., That the Secretary of the Treasury be, and be is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mary E. Lord, Malden, Mass., the sum of $7,500. Such sum shall be in full settlement of all claims against the United States for damages sustained by the said Mary E. Lord as the result of being struck and seriously injured by a United States mail truck in Everett, Mass., on March 31, 1932.

With the following committee amendment:

Page 1, line 6, strike out "$7,500" and insert "$6,000."

Mr. McFARLANE. Mr. Speaker, I offer the following amendment to the committee amendment.

The Clerk read as follows:

Amendment by Mr. McFARLANE: Amend the committee amendment by striking out "$6,000" and inserting in lieu thereof "$5,000."

The SPEAKER. The question is on agreeing to the amendment to the committee amendment.

The amendment to the committee amendment was agreed to, and the committee amendment as amended was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Line 11, strike out the period, insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

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

ALEXANDER E. KOVNER

The Clerk called the next bill, H. R. 5150, for the relief of Alexander E. Kovner.

The SPEAKER. Is there objection?

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

JOHN BROWN

The Clerk called the next bill, H. R. 5311, for the relief of John Brown.

The SPEAKER. Is there objection?

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

ALBERT HENRY GEORGE

Mr. McFARLANE. Mr. Speaker, I ask unanimous consent to return to Private Calendar No. 463, H. R. 5099.

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

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk called the bill (H. R. 5099) for the relief of Albert Henry George.

The SPEAKER. Is there objection?

There being no objection, the Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon persons honorably discharged from the United States Navy Albert Henry George shall be held and considered to have been honorably discharged from the United States Navy on the 5th day of June 1933: *Provided*, That no compensation, retirement pay, back pay, pension, or other benefits shall be held to have accrued prior to the passage of this act.

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

MAYOR AND ALDERMEN OF JERSEY CITY, N. J.

The Clerk called the next bill, H. R. 5635, for the relief of the mayor and aldermen of Jersey City, Hudson County, N. J., a municipal corporation.

The SPEAKER. Is there objection?

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

DOROTHY WYHOWSKI

The Clerk called the next bill, H. R. 5827, for the relief of Dorothy Wyhowski.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to Dorothy Wyhowski, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 in full satisfaction of all claims against the United States on account of injuries sustained on October 26, 1932, when she was struck by a United States mail truck.

With the following committee amendment:

Page 1, line 4, after the word "to", insert "Elizabeth Wyhowski, mother and guardian of."

The committee amendment was agreed to.

The Clerk read the following further committee amendment:

In line 6, strike out "$5,000" and insert in lieu thereof "$3,000."

Mr. COSTELLO. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO to the committee amendment: In line 6, strike out "$3,000" and insert in lieu thereof "$2,000."

The amendment to the committee amendment was agreed to.

The committee amendment was agreed to.

The Clerk read the following further committee amendment:

Page 1, line 9, after the word "truck", insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

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

The title was amended to read as follows: "A bill for the relief of Elizabeth Wyhowski, mother and guardian of Dorothy Wyhowski."

MRS. WILLIAM E. SMITH AND CLARA SMITH

The Clerk called the next bill, H. R. 7577, for the relief of Mrs. William E. Smith and Clara Smith.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. William E. Smith and Clara Smith, both of Hampton, Va., the sums of $725.92 and $981.13, respectively, in full settlement of all claims against the United States for damages sustained to furniture, clothing, and other private property, resulting from the operation of Army aircraft at Fox Hill, Hampton, Va., on October 31, 1934: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

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

STANDARD DREDGING CO.

The Clerk called the next bill, S. 780, for the relief of the Standard Dredging Co.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Standard Dredging Co., owner of the dredge *Long Beach* and pipe line thereto attached, out of any money in the Treasury not otherwise appropriated, the sum of $2,531.25, or so much thereof as may be necessary, to fully reimburse said owner of said dredge and pipe line for damages suffered for loss of earnings or fair rental value of its said dredging plant for the period operation of same was stopped as a result of a collision with its pipe line by the United States dredge *Chinook* at Astoria, Oreg., May 1, 1916, under circumstances which were held after due investigation to have been such that the Government was responsible: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

On page 1, line 7, after the word "of", strike out "$2,531.25, or so much thereof as may be necessary, to fully reimburse said owner of said dredge and pipe line", and insert "$2,486.25, in full settlement of all claims against the United States."

The committee amendment was agreed to.

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

WILLIAM W. DANENHOWER

The Clerk called the next bill, S. 925, to carry into effect the findings of the Court of Claims in the case of William W. Danenhower.

The SPEAKER. Is there objection?

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

LOUIS FINGER

The Clerk called the next bill, S. 1073, for the relief of Louis Finger.

The SPEAKER. Is there objection?

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

WALTER MOTOR TRUCK CO., INC.

The Clerk called the next bill, S. 1290, for the relief of Walter Motor Truck Co., Inc.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Walter Motor Truck Co., Inc., the sum of $8,400 in full settlement for two motor trucks delivered to and used for 5 years by the United States Quartermaster Department, Motor Transport Corps, United States Army, Camp Holabird, Md., for which no payment has ever been made: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

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

COLLIER MANUFACTURING CO.

The Clerk called the next bill, S. 1431, for the relief of the Collier Manufacturing Co., of Barnesville, Ga.

The SPEAKER. Is there objection?

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

SQUAW ISLAND FREIGHT TERMINAL CO., INC.

The Clerk called the next bill, S. 1817, conferring jurisdiction upon the Court of Claims of the United States to hear, consider, and render judgment on the claim of Squaw Island Freight Terminal Co., Inc., of Buffalo, N. Y., against the United States in respect of loss of property occasioned by the breaking of a Government dike on Squaw Island.

The SPEAKER. Is there objection?

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

THOMAS F. COONEY

The Clerk called the next bill, S. 2205, for the relief of Thomas F. Cooney.

The SPEAKER. Is there objection?

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

WESTERN ELECTRIC CO., INC.

The Clerk called the next bill, S. 2487, for the relief of the Western Electric Co., Inc.

The SPEAKER. Is there objection?

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

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust, settle, and certify for payment, out of any money in the Treasury not otherwise appropriated, the claim of the Western Electric Co., Inc., for supplies delivered to the Navy Mine Depot, Yorktown, Va., under requisition no. 96, Bureau of Ordnance, dated May 24, 1920, the said supplies having been delivered to and accepted by the United States, but payment therefor not having been made because of the absence of a formal written contract, as required by section 3744 of the Revised Statutes, as amended by the act of June 17, 1917 (40 Stat., 198): *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

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

OMNIBUS CLAIMS BILL

The SPEAKER. The next bill, H. R. 8108, is an omnibus bill. Under the previous order of the House this bill will be passed over, and the Clerk will call the next bill on the calendar.

WOODWORTH B. ALLEN

The Clerk called the next bill, H. R. 3786, for the relief of Woodworth B. Allen, captain, United States Army.

The SPEAKER. Is there objection?

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

THOMAS A. M'GURK

The Clerk called the next bill, H. R. 2442, for the relief of Thomas A. McGurk.

The SPEAKER. Is there objection?

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

JOANNA FORSYTH

The Clerk called the next bill, H. R. 6703, for the relief of Joanna Forsyth.

The SPEAKER. Is there objection?

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

Be it enacted, etc., That Joanna Forsyth, the widow of Thomas Forsyth, shall be entitled to the right of selection and second entry under the provisions of the act entitled "An act for the relief of settlers and entrymen on Baca Float No. 3, in the State of Arizona", approved July 5, 1921 (42 Stat. 107), notwithstanding failure to apply for the benefits of such act within the time limit prescribed by law, if she makes application therefor within 12 months from the date of the enactment of this act and is otherwise eligible under the provisions of the act of July 5, 1921.

With the following committee amendment:

Page 1, line 9, after the word "law", insert the following: "and notwithstanding any withdrawal heretofore or hereafter made by Executive order of public land from settlement, location, sale, or entry."

The committee amendment was agreed to.

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

KNUD O. FLAKNE

The Clerk called the next bill, S. 1446, for the relief of Knud O. Flakne.

The SPEAKER. Is there objection?

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

Be it enacted, etc., That the act entitled "An act for the relief of certain riparian owners for losses sustained by them on the drained Mud Lake bottom in Marshall County in the State of Minnesota", approved June 26, 1934 (Private, No. 368, 73d Cong.), is hereby amended by inserting the words "or Knud O. Flakne" after the words "F. H. Wellcome Co."

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

MARY C. MORAN

The Clerk called the next bill, S. 1447, for the relief of Mary C. Moran.

The SPEAKER. Is there objection?

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

Be it enacted, etc., That the act entitled "An act for the relief of certain riparian owners for losses sustained by them on the drained Mud Lake bottom in Marshall County in the State of Minnesota", approved June 26, 1934 (Private, No. 368, 73d Cong.), is hereby amended by inserting the words "or Mary C. Moran" after the words "Clarence Larson."

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

EDGAR SAMPSON

The Clerk called the next bill, H. R. 921, for the relief of Edgar Sampson.

The SPEAKER. Is there objection?

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

Be it enacted, etc., That sections 15, 17, and 20 of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended (U. S. C., title 5, pars. 765, 767, and 770, on p. 79), are hereby waived in favor of Edgar Sampson, who claims disability as a result of his employment under the Post Office Department in December 1927. The United States Employees' Compensation Commission is hereby authorized to accept formal notice of claim, now informally numbered Lf 17426, and to consider and act upon his claim under the remaining provisions of said act, as amended, in the same manner as if his claim and notice had been filed within 60 days after the said disability was incurred.

With the following committee amendment:

Page 1, line 10, start with the word "claims" and strike out the remainder of the bill, and insert in lieu thereof the following: "is alleged to have sustained disability as the result of his employment in the United States post office, Brooklyn, N. Y., in December 1927: *Provided*, That no benefits shall accrue prior to the approval of this act."

The committee amendment was agreed to.

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

LUCY JANE AYER

The Clerk called the next bill, H. R. 1105, for the relief of Lucy Jane Ayer.

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

CHARLES G. JOHNSON

The Clerk called the next bill, H. R. 2479, for the relief of Charles G. Johnson, State treasurer of the State of California.

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

Mr. TAYLOR of Colorado. Mr. Speaker, I understand from the gentlemen on both sides of the House that it will be inconvenient to proceed further with bills on the Private Calendar at this time.

DR. GEORGE W. RITCHEY

Mr. BLOOM. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1036) authorizing adjustment of the claim of Dr. George W. Ritchey.

The Clerk read the title of the bill.

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

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

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of Dr. George W. Ritchey in the amount of $8,283.39 as loss sustained through the spalling and splitting of the original 40-inch mirror which was intended for installation under contract NOd-297, dated June 5, 1931, in a telescope at the United States Naval Observatory, and to allow not to exceed $8,283.39 in full and final settlement of said claim. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $8,283.39, or so much thereof as may be necessary, for payment of the claim.

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

THE PRIVATE CALENDAR RULE

Mr. BLANTON. Mr. Speaker, with the permission of the Chair, I should like to make a point of order with respect to certain bills that will come up next Tuesday, and then let the point of order be pending, so that the Speaker in the meantime may examine the authorities which may be presented by myself or by the Parliamentarian.

The SPEAKER. The Chair will be glad to hear the gentleman.

Mr. BLANTON. Mr. Speaker, on March 27, 1935, there was an attempt in the House by a simple House resolution to amend House Rule XXIV by providing, with respect to private bills that had been objected to, that they be recommitted back to the committee from which they emanated, and inferentially only was authority given that committee to incorporate the bills in an omnibus bill thereafter to be presented to the House.

I want to call attention to certain features of that rule that I should like to have in the RECORD at this time, so that the Speaker may know the points I am raising in connection with my point of order.

I read from the rule:

On the third Tuesday of each month, after the disposal of such business on the Speaker's table as requires reference only, the Speaker may direct the Clerk to call the bills and resolutions on the Private Calendar, preference to be given to omnibus bills containing bills or resolutions which have previously been objected to on a call of the Private Calendar.

The Speaker will note this is the first reference made in the rule to an "omnibus bill." I quote further:

Omnibus bills shall be read for amendment by paragraph, and no amendment shall be in order except to strike out or to reduce the amounts of money stated or to provide limitations.

That is the next reference to omnibus bills. There is no provision made in the rule with reference to how those omnibus bills shall be prepared, drawn, or introduced in the House. The next reference to an "omnibus bill" is as follows:

Upon the passage of any such omnibus bill, said bill shall be resolved into the several bills and resolutions of which it is composed, such original bills and resolutions, with any amendments adopted by the House, shall be engrossed, where necessary, and proceedings thereon had as if said bills and resolutions had been passed in the House severally.

The next reference to an "omnibus bill" is as follows:

In the consideration of any omnibus bills the proceedings as set forth above shall have the same force and effect as if each Senate—

Note this especially, Mr. Speaker—

as if each Senate and House bill or resolution therein contained or referred to were considered by the House as a separate and distinct bill or resolution.

Mr. Speaker, those are excerpts from the new rule which attempts to amend rule XXIV of the House of Representatives. There is no rule of this House which authorizes a Senate bill to be incorporated in a House omnibus bill. There is no rule of the Senate which authorizes Senate bills to be incorporated in a House omnibus bill and then to be reintroduced in the House as a House bill under a House bill number.

I want to get the matter before the Speaker at this time, because I intend to raise this point of order seriously next Tuesday when the first so-called "omnibus bill" comes up. I will then present authorities to the Speaker, and I desire the Speaker and the Parliamentarian to be prepared, because I do not want to raise such a point without due notice.

Mr. SABATH. What is the question which the gentleman desires to raise?

Mr. BLANTON. I am now stating the question clearly and distinctly. Without consent of the Senate the House has no authority through a simple House resolution to pass such a rule, or to operate under it by reintroducing Senate bills under House numbers. Mr. Speaker, there is no provision in any of the rules of the House of Representatives or in any rules of the Senate of the United States, the two bodies constituting the Congress of the United States, for a Senate bill, after being passed by the Senate and messaged to the House, to be put into an omnibus bill of the House, thus losing its identity, Mr. Speaker, and then being reintroduced in the House with a House bill number and coming before the House under a new House bill. As I stated, there is no such provision either in the rules of the House or in the rules of the Senate of the United States. The rules of the Senate of the

United States do not authorize such procedure, and the House cannot thus proceed with the consent of the Senate.

In an attempt to follow this rule, which was passed by a simple resolution of the House, with no action on it whatever by the Senate, H. R. 8524, Calendar No. 622, has been introduced under a House number as an omnibus bill. It attempts to embrace together with other House bills theretofore introduced under different House numbers, Senate bill 929, an act for the relief of the Southern Products Co.

This is a bill that has been passed by the Senate of the United States under their rules and had been messaged to this House for consideration. Under Senate rules it must be considered by the House under the rules of the Congress of the United States. Never has there been any authority given by the Senate for the House to change a Senate bill and reintroduce it in the House under a new House number. This Senate bill does not come from any committee of the House by which it has been considered and reported under the proper Senate number. It now comes to the House as a House bill, placed in the hopper of the House, and given a new House bill number. There is no authority for such action. It has lost its Senate number. It has been reported to this House as H. R. 8524.

I am going to call attention to other omnibus bills embracing Senate bills losing their identity and coming into this House under a House number, H. R. So-and-so. For instance, Private Calendar No. 702 is a House bill (H. R. 8750) introduced in this House on July 2, 1935. This bill embraces Senate bill 753, to carry out the findings of the Court of Claims in the case of the Wales Island Packing Co., and which was passed by the Senate and messaged to the House, the Senate bill now losing its number and identity and coming into the House of Representatives under a House bill number, if the Chair pleases, without any authority of the Congress at all.

Then, too, the Senate has never given its consent, after such an omnibus bill is passed, for all of its provisions "to be resolved back into the original bills and resolutions." That, too, requires consent of the Senate.

I am going to present the Speaker with some authorities next Tuesday, and I am giving the Parliamentarian an opportunity to look this matter up and to examine the rules and precedents. I am raising the point of order, Mr. Speaker, that except by joint resolution, or at least a concurrent resolution, acted upon and approved by the Senate, the House of Representatives has no authority whatever to take a Senate bill, duly passed by the Senate and coming to the House with a Senate number, and put it into a new House bill and introduce it in a new House bill with an H. R. number and then, forsooth, after the House has passed such an omnibus bill, embracing a number of Senate bills and a number of House bills, for the House then to resolve its action back into those original bills and engross original House bills and read for the third time a Senate bill passed under such unauthorized action as this attempted by the House.

The rules of Congress require a Senate bill that has come to the House of Representatives from the Senate to be taken up as a Senate bill, as a separate and distinct piece of legislation, and considered by the House of Representatives as a Senate bill, and as long as it keeps its Senate number it cannot be changed in any way by a House number.

Of course, it is the usual practice when a Senate bill comes before the House and is on the Speaker's table if there is an identical House bill reported by a committee and on the calendar, to ask unanimous consent to consider the Senate bill instead of the House bill, but then it does not take a House number. It is not reintroduced into this House and sent through the House hopper with an H. R. number. It preserves its Senate bill integrity, it preserves its Senate number, and I raise the point of order there is no authority in this House, by a simple resolution not acted upon by the Senate, to so handle a Senate bill in the United States Congress, and this is all I have to say until next Tuesday, when I am going to present some authorities to the Speaker.

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

Mr. BLANTON. I am sorry, but I do not want to take up any further time.

Mr. O'CONNOR. Mr. Speaker, just briefly, for the moment, in reply to the point of order which we may discuss more fully next Tuesday, as I have heard the gentleman, he has not mentioned anything that was not thoroughly considered by the Rules Committee during the many days we considered this matter. Every point the gentleman has mentioned was gone into, as to Senate bills and omnibus bills. So no part of the rule is inadvertent or adopted without the greatest consideration. If we are wrong, we did not make a mistake inadvertently. Whatever we did, we did deliberately and, we believe, within the rules and the precedents of the House.

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

Mr. O'CONNOR. For a question; yes.

Mr. MAY. I think the gentleman from New York will recall that all during last year's vacation he was engaged in writing letters to the various Members of the Congress—I received one myself—asking for any suggestions we had to make with regard to the correction of this rule. I should like to ask the gentleman from New York if the question raised by the gentleman from Texas relates only to an omnibus bill of the House that would contain a Senate bill cr whether an omnibus bill of the House containing no Senate bill would be embraced in the question raised by his point of order?

Mr. BLANTON. Mr. Speaker, I do not believe, if and when it reaches the Supreme Court of the United States—and this question is going to reach there—and it will be remembered that we then called it to the Speaker's attention at the time this rule was passed, that the House has no authority to so change the rules respecting legislation, and Senate bills, by a simple House resolution, that it required a joint or concurrent resolution, even if we could do it in that way, in order that the Senate could act upon the matter and give its consent.

Mr. O'CONNOR. As to Senate bills.

Mr. BLANTON. I am thinking about all bills, but it is so clearly pertinent and true that we cannot so handle Senate bills that I now raise the question in the point of order as to Senate bills.

I do not think any lawyer in this House, after careful consideration, who has studied the rules of Congress and the precedents of Congress, could hold for one minute that the House has the right to take a Senate bill that has been passed by the Senate, carrying a Senate number, and send it to its House committee and have its House committee put it in a scramble of an omnibus bill with a lot of Senate bills and House bills, and reintroduce the Senate bill here in the hopper of the House as an original House bill—H. R. No. So-and-so, and then after so passing it, unscramble it, and put it back into its original Senate form, and give its original Senate number back to it. I do not think you can do this lawfully, and I believe the Supreme Court is going to hold it to be unlawful whenever the question gets to it. The point of order will be pending.

This is all I have to say about it now.

H. B. ARNOLD

Mr. DEEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 3512) for the relief of H. B. Arnold, with a Senate amendment, and agree to the amendment.

The SPEAKER. Is there objection?

Mr. McFARLANE. Will the gentleman explain what it is?

Mr. DEEN. This is a bill on the Private Calendar for the relief of H. B. Arnold. It passed the House on April 6 and was amended in the Senate by striking out the figures "$1,000" and inserting "$500."

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read as follows:

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

The Senate amendment was agreed to.

AMERICAN LEGION POST DEMANDS CONGRESSIONAL INVESTIGATION OF CONDUCT OF NATIONAL OFFICIALS OF AMERICAN LEGION

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a resolution passed by the American Legion.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PATMAN. Mr. Speaker, July 9, 1935, Victory Post, No. 4, American Legion, Department of the District of Columbia, passed a resolution demanding a congressional investigation of the activities of certain leaders and officials of the American Legion. The resolution is self-explanatory, and is as follows:

Whereas it has been charged that Wall Street bankers were desirous of destroying the influence of the "bonus" resolution adopted by the Portland convention of the American Legion in 1932, calling for full and immediate cash payment of the adjusted-service certificates; and

Whereas it is charged that a group of wealthy and influential leaders met at the Bankers' Club in New York City and agreed to advance the money necessary to employ influential legionnaires to contact the key legionnaires in all parts of the country, and to secure, if possible, enough support to pass another resolution at the Chicago convention in 1933 to offset the effect of the Portland resolution; and

Whereas it is charged that these bankers pledged an unlimited amount of money for this purpose, that a huge fund was raised, that certain Legionnaires were paid large sums of money to make the contacts, were given unlimited expense accounts, traveled luxuriously, spent money lavishly, made no accounting therefor, that no report was required nor questions asked; and

Whereas it is charged that at the Chicago convention $74,000 was sent by these bankers with the understanding that more would be forthcoming if necessary. This money, it has been testified under oath, was spent at Chicago to purchase the influence of certain leaders and officials of the American Legion, which resulted in the passage of the desired resolution, the said resolution being cunningly contrived to stifle, hinder, and delay the passage of the adjusted-service bill, and was so used last winter and spring; and

Whereas it is further charged that as a result of the activity of the important legionnaires who received slices of this slush fund, the Chicago convention did not reiterate the Legion's stand for full and immediate cash payment of the so-called "bonus"; and

Whereas it is charged that this information is in the form of printed testimony, presented by witnesses under oath, and discloses, on its face, that some leaders, officials, and former officials of the American Legion have double crossed, deceived, and misled the entire membership of the Legion; and

Whereas at the May meeting of the national executive committee the request of National Commander Belgrano for specific authority to investigate these charges was turned down: Now, therefore, be it

Resolved by Victory Post, No. 4, the American Legion, Department of the District of Columbia, in regular meeting assembled, this 9th day of July 1935, That the St. Louis National Convention of the American Legion (through the annual convention of the Department of the District of Columbia) be requested and urged to adopt a resolution asking that the Congress of the United States make a full and complete investigation of these charges and render an official report thereon at the earliest practicable moment.

This resolution was passed by this post by a unanimous vote. It occurs to me that every legionnaire in this Nation should join in a request for this congressional investigation. The charges are based upon sworn testimony.

WHAT ARE WE DOING FOR PEACE?

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a radio speech by the gentleman from Connecticut [Mr. KOPPLEMANN].

The SPEAKER. Without objection, it is so ordered.

Mr. SHANLEY. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following radio address by Congressman HERMAN P. KOPPLEMANN over station WOL and affiliated stations, July 9, 1935:

With the awful catastrophe of another war reverberating throughout Europe and Africa, threatening to plunge the nations once more into a vortex of death and destruction, with the tread of Mars resounding in the clank of cannon and the stir of troops on the march, with the peace of Europe, as one of its foremost statesmen says—hanging on five or six men—the question which has startlingly been raised in the minds of the American people is, what are we doing for peace?

For too many months has the dire prophecy of war been repeated. For too long have there been discussions and conferences to underwrite agreements which will prove more than mere scraps of paper, motivated by one principle alone, settlement of national and international differences without the recourse to war.

Legislation throughout which is woven implications of war, its threat, its promotion, or its elimination has been before this Congress continually. The charge that war has been encouraged by financiers and munitions makers launched an investigation out of which resulted measures to curb profits on the manufacture of arms. Can there be any question that such profits ought to be wiped out? And yet such a bill, inadequate as it is, passed the House only after a battle, and its companion legislation still lingers in the Senate.

The American people want peace—or so it is said. Then where are the American people when measures for peace are before their representatives?

As a Member of Congress I can judge somewhat of the wishes of the people by the letters I receive. Ladies and gentlemen, the interest shown me by the public in measures for peace, while greater than it has been in the past, is woefully meager. What part ought America to play in the world movement for peace? Surely a part in keeping with our economic importance in the assembly of nations. But before we can extend our efforts for amity beyond the limits of our own land we must first have peace among our people. Unless there is peace within our borders America cannot contribute to the peace of the world. Economic difficulties or economic ambitions are at the base of every conflict, whether it be a skirmish, a war between nations, or a war within a nation.

The first threat to America is the economic unrest within the 48 States of our Union. Unemployment is the blackest shadow looming over the peace of our land. Its companion shadows are starvation, idleness leading to crime, fear of security, fear of the future. We have attacked the hostile forces threatening the peace of our people within our territorial limits by heroic means. The war we have been waging against the economic enemies in our land has been difficult. We are fighting that war, constantly gaining the upper hand. The cost, while admittedly high, is less than this Nation would spend if it were confronted by the internal war which threatened us when we entered the conflict against our domestic economic evils in March of 1933.

And still we have not peace among our people, within our Nation. But yet being a Nation among other world nations we must share the problems of world peace. We are confronted, therefore, with a dual peace problem. Neutrality is excellent, so far as neutrality goes.

But war cannot be isolated—for better or for worse it affects us all, whether directly or indirectly. We therefore have a great stake in the cause of peace. Italy is sending her forces to Ethiopia even as I am talking and you are listening. One amusing fact in the Italo-Ethiopia situation rings with sardonic laughter. It is the rainy season in Ethiopia, and from all reports, if it were not, already war would be openly declared between these two Nations. As it is the declaration of hostilities is being deferred until the rainy season closes. Would that it would rain forever!

Japan is closing in on China, her eyes to the vast lands of the Soviet. Germany is breaking agreements with one hand while she signs promises with another. France is suspicious of England. England is openly offering concessions to some nations and at the same time making Heaven alone knows what secret agreements antagonistic to other nations.

With Europe sitting on a volcano ready to explode momentarily what should be America's attitude? There is no indication why we should be drawn into conflict in Europe in the event that such conflict breaks out. Whatever the problems which might precipitate war over there not one is important enough to prompt the devastation of this country.

What more than economic greed and distrust is inciting the war preparations in Europe? Compared to permanent aspects of civilization the considerations which form the present threat of war in Europe are trifling. Then why should these petty difficulties of inferior nations worry us to the extent of appropriating more than a billion dollars this year alone for defense preparations? The only part that America should play in the martial difficulties of other nations is prevention, and yet aside from reiterating a good neighbor policy what have we actually done to prevent war? Our real contribution to peace has been the reciprocal trade agreement legislation. This measure will mean a freer movement of trade between nations, tending to lessen economic unrest and requiring frequent friendly discussions of international problems.

Plans are also being made for a stabilization of the currency, a very international peace move for it, too, calls for friendly international cooperation. We have taken part in international conferences, but that is all.

The biggest peace-time Budget, with the exception of 1931, for implements of war has just been passed. Battleships, bombing planes, poison gas, tanks, and all kinds of munitions are being constructed. Nearly 50,000 more soldiers will be under arms. More young men will be admitted to West Point and Annapolis—which only from an educational standpoint can be justified. The naval training stations at Newport and at Great Lakes, out of operation since July 1, 1933, are being opened for recruit training. Bids have been invited by the Navy Department for the construction of the first of the new ships provided for in the naval appropriations bill. More than one-third of our normal Budget is to be spent for armament. How much better it could be spent to take care of the poor or provide for education and health and the recovery of our people?

Why do not the people who oppose the expenditures of the Government for its poor and its unemployed decry this expenditure for arms?

You have written me demanding that the National Budget be balanced. You have asked for economy in government. But Budget balancing and economy must be gained by taking specific provisions out of the Budget. You have protested money spent for relief and for the construction of useful projects. You have even mentioned the appropriation to rehabilitate and care for the youth of our land, but you do not mention this appalling sum of money, representing 72 cents out of every normal tax dollar which is being spent on account of war. You are taxed for this because you are taxed for gasoline, for cigarettes, for clothing, for almost everything you use to support the Nation's huge war machine. And now we have before us in Congress another income-tax bill.

A feeble handful of us in Congress tried to kill these war preparation measures, but we were overwhelmed. We tried to at least postpone the expenditure of the naval appropriations until after the disarmament conference which is to be held next year, and our hopes to preserve peace were at least given a chance. But instead America is going into that conference committed to disarmament while at the same time we are constructing a larger navy and a larger army on the fallacious plea of defense.

We pride ourselves on being the leader in world affairs, and yet we are slavishly following nations inferior to us in an armament race which can bring good to no one. The other nations point to us and say, "See, America is increasing its arms; we must do the same." And the United States points to them and says, "See, they are spending more for munitions of war; we must do the same."

Are the American people being misled by the jingoists; by certain of the press which denounces attempts of this Nation to cooperate with other nations to find a common ground for peace? Is that the reason for your silence?

Are the American people being misled by the defense cries of our Army and Navy Departments?

There is in Congress a growing group of Senators and Representatives committed to the task of making war less probable, but we do not have strength because you—the people—do not support us.

The World Court, a forward step for world peace which has been awaiting this country for years, was repudiated by the Senate. The implication is strong that a flood of protests from the people who did not understand influenced the votes of many of the Senators. I emphasize that the people who protested did not understand, for if they did, then the people of this country do not want peace.

Peace is not some vague dream of an idealist. It is real. It is imperative.

I am glad that the peace sentiment is growing in this country, that more Representatives are being sent to Congress because they will take up the battle for peace. But I repeat that the voice of the people in peace matters is feeble or unheard, and until you form yourselves into a force which demands peace your Representatives will be misled by your apathy into believing that you are indifferent to the tragedies of war and its aftermath.

THE WORLD'S DEBT TO RELIGION—THE NECESSITY FOR FULLEST DEVELOPMENT

Mr. SHANLEY. I also ask unanimous consent to extend my own remarks in the RECORD on the World Debt to Religion.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SHANLEY. Mr. Speaker, few subjects have been more perplexing, yet more varied, in their unfolding than the subject of religion. Certainly in the primitive development of our civilization religion was the cornerstone of our efforts. No one can, therefore, pass over that important study without realizing the influence of conscience upon our progress. If we accept as a major premise the overwhelming support of mankind in religious matters, we must realize the necessity for affording to it its fullest scope.

Religion should have the greatest possible outlet for its development. Any attempt to stifle, oppress, or circumvent principles and practices of a religion is nothing more than an endeavor to preclude the chances of that religion meeting the real tests of competition. There is nothing in the world that so arrests a theory's constructive development as unjust opposition. As a matter of fact, it prevents a real test. No religion can ever stand upon its own feet and be subjected to the experience of mankind until it is allowed the utmost freedom. I am convinced that the utmost freedom allowed to all religions will in the end result in the rise or fall of those particular groups. There was a time in the history of man when the pettiness of superstitious reverence, cloaked all within a credo or cult with a sanctity and isolation that completely and utterly damned all outside that fold. We hope modern thought will change for all time.

GENERAL STUDY

With this introduction, I am asking your indulgence in this talk of mine, which will concern religion, its progress and influence on world civilization and its place in international law. I am one of those, also, who believes that religion is a development of a mature civilization and its highest development will be found only in our ripest civilizations. Its progress has been beset by ignorance and superstition, exploited by the lust of conquest and the love of ease, and often enervated by the strong man's craving for power, and the poor man's search for food.

AMONG THE HEBREWS

In spite of all these obstacles its spiritual effect has been pronounced. From its earliest and perhaps its greatest relative advance among the Hebrews, it has been bedrocked on the principle of national tradition and a higher law. The Hebraic patriots were the first to see that its influence surmounted all the weaknesses of established authorities of kings and priests and princes of the people, and that it contained within itself the healing forces that were asleep in the uncorrupted consciences of a strong people.

ABSOLUTISM'S DAY

When we remember that 600 years before Christ absolutism of the most vicious type held unbounded sway, and when we remember that one of the greatest men of that day, a poet of genius and refinement, was so wrapped up on the day's philosophy that he longed to drink the blood of his political adversaries, we will appreciate the thought and the power that attempted to stifle true religion.

PERICLES

To better appreciate the later changes after Solon from religion to its absence, we have only to remember the scenes that were enacted when the national beliefs of Greece were yielding to doubt, and doubt was in no way ready for knowledge. In those days the keen faculty of reasoning of the Greeks was applied to a society which had served its purpose, but was now being corrupted and losing its hold. In that transitional period between the dim fancies of mythology and the fierce light of scientific thought, there was enough left to raise up Pericles, one of the greatest figures in the profane annals of mankind. It was he who brought the people to their senses, and warned them against the predominance of any interest. It was his thought that the preservation of the independence of labor and the security of property, the protection of the rich against envy, and the poor against oppression was the highest ideal that a religious people can effect. No one will ever think of the generation of that golden age without recalling their supremacy in poetry and eloquence, in history, philosophy, and politics, and not realize that the people who had effected these under Pericles were the most religious of all Greek communities.

When their downfall came, history tells us that it resulted from a departure from their early principles. So long as the State was struggling to provide a greater opportunity for its citizens, and so long as religion helped in that goal, there was little difficulty; but just as soon as real progress was halted, the vice of the classic, and especially the Hellenic State was evident.

Then it was seen that church and state were one, and in the coalescence, morality was undistinguished from religion and politics from morals, and in these three great fields of politics, morality, and religion there was a concentration of power that could only result in evil.

The state forgot education, neglected spiritual needs, yet claimed the allegiance and loyalty of everyone. In this great disregard for private interest and for the moral welfare and development of the people, the vital elements of prosperity were destroyed. It was no wonder that communism, utilitarianism, and tyranny moved in. In such a way as this we can analyze the history and progress of every nation, and realize the steps that religion has played.

THE CLASSIC AGE'S WEAKNESS

We must remember this: That there was somthing wanting and absent in the classic period that could only be present in Christianity. When we realize that at the close

of the Greek and Roman periods three of the foundations of modern civilization and progress were absent—representative government, emancipation of slaves, and freedom of conscience. With all their progress—and no one doubts that it was a real advance—these periods were deficient in the very marrow of modern development. It was not until 3 days before his death, on the way to the temple, that the utterance of Christ, "Render to Caesar the things that are Caesar's, and unto God the things that are God's", opened a new road for both civic and religious advance, and gave to each a dignity that neither had possessed.

From that day forward we have a new theory; and despite the early efforts of Constantine, the graph is upward. We know too well that the history of practices of religion from that day is blackened by scandals and deeds that deserve the anathema of every student. We cannot forget that before the Reformation there was a vitiation of political literature because of its subservience to the interest of Pope and King, and even after the Reformation human progress is often discolored by political allegiance to Catholicism or Protestantism. Two instances may illustrate our point. John Knox thundered against the Queen because she went to Mass, and, on the other side, Marianna openly blessed the assassination of Henry III because he was in league with the Huguenots. Even tyrannicide was eulogized among Christians, first taught by John I. Salisbury, and heartily approved by Roger Bacon. With such a background, no one sincerely thought of politics as a law for the just and the unjust, or even attempted to find a set of principles that might be unwavering; and under such circumstances it was no wonder that many people had failed to learn that political science is an affair of conscience and not a matter of expediency or might.

CRISIS AND SOLUTION

When it is remembered at the same time the state was formed by the valor, the policy, or appropriate marriages of the royal family, it will be recalled to what depths sovereignty had descended. We were again falling into the era of the classic state. In one generation a nation had passed from one faith to another four times by royal command. The rack and the scaffold had become the best minister of religious propaganda, but, in spite of it all, there were men whose hard fighting, thinking, and endurance contributed to finally save us from this unity of church and state. The association of many churchmen with the popular cause saved us from the hierarchical bias of foreign divines and from the monarchial bias of continental governments, so that out of it we emerged with the separation of church and state, and a fair measure of self-government, in which the very differences in religion taught us toleration, and the confusion of our common law vividly brought home to us the realization that the best safeguard was the dependence and integrity of our judges.

A CONCLUSION

I believe that the same need of qualities of perseverance, moderation, individuality, and a manly sense of duty in the stern heart of labor has preserved us. This I believe to be the result of religious influence and political thought peculiarly our own. I believe that under these circumstances religion will always prosper.

THE INQUIRY AMONG NATIONS

We must, however, at this time investigate the condition of the sovereign state. As each nation developed and a common basis of international principle became necessary, there emerged from the days of Grotius, Pufendorf, Suarez, Bellarmine, Aquinas, and Vitoria, principles of common consent among nations that have been only the result of long and arduous strife. One principle has, however, been set out as a maxim throughout the development of international law. Each nation protects its right to control its own affairs, and no statement is more frequent in the pages of international studies than that which is predicated upon this right of nations to be exempted from external interference. So, too, a nation enjoys the right to accord such treatment as it may see fit to its own nationals within the places subject to its own control, and in our own history, from the time of Washington to the present, it has been a principle always acknowledged by the United States that every nation possesses a right to govern itself according to its own will, to change institutions at discretion, and to transact its business through whatever agencies it may deem proper to employ.

DEVELOPMENT IN UNITED STATES

Perhaps the words of President Buchanan on January 14, 1859, will best illustrate our American theory:

> I have long been convinced that it is neither the right nor the duty of this Government to exercise a moral censorship over the conduct of other independent governments, and to rebuke them for acts which we may deem arbitrary or unjust toward their own citizens or subjects.

It would be easy to quote from the great writers of international law, Moore, Westlake, Borchard, Stowell, Buell, and a host of others to prove this principle, but it is a principle not without its exceptions. From the time when the Crusades opened up the East to business enterprises and removed the dominance of the landed gentry there has been a growing diversification of international intercourse, and more and more each nation has become interested in the doings of every other nation. The development of the law of nations itself is a standing tribute to the willingness of each nation to combine with others in changing basic principles. Just as it has been said among individuals that when all have liberties no one enjoys them, so in the family of nations, unless there is real restraint there can be no enjoyment of nationality.

EROSION ON RULE

The History of International Law is really the development of exceptions to the general rule. When he was Secretary of State, Mr. Buchanan made the official remark—

> I would to God that the governments of all countries like that of our own happy land might permit knowledge of all kinds to circulate freely among the people. It is our glory that all men of the United States enjoy the inestimable right of worshipping God according to the dictates of their own conscience.

While no one will doubt the right of our Government to intercede for its own nationals, and use its utmost good offices for the furtherances of that national's religious desires, there is basis also for the statement that even the practice of another nation in regard to its own nationals becomes a matter of international concern when the repercussions from those practices affects other nations. Certainly, the persecution of the Jews in many continental lands resulted in an immigration to these shores that permitted the United States to protest. The development is such as to say that even without these repercussions, international society has advanced to the point where every nation might well be interested in the fullest development of religion in every other nation, not as an inherent right, to be sure, but as an expression of hope. Certainly we have no hesitancy in protesting against the treatment of religious groups in so-called "unenlightened countries." We have no hesitancy in expressing ourselves to those backward groups who really have no official status in international law. The growing necessity for some action of an intercessory character is best seen in a statement from Charles Cheney Hyde's International Law, volume I, page 85:

> The extent of the freedom from external control which, according to American opinion, the individual State is believed to possess will be examined with reference to what are commonly described as "domestic affairs" as distinct from those designated as "foreign affairs." In the course of such an examination it needs to be borne in mind that the revolutionary origin of the United States, together with the intolerance of external control characteristic of the race to which the people who overcame the British domination in the eighteenth century belonged, bred a devotion to principles of independence which there has happily been no disposition on the part of the Republic to relinquish. This circumstance accounts for the caution with which American opinion still greets any proposal for the restriction by general convention of rights long acknowledged to be the usual and common incidents of political independence. It is only when the sacrifice demanded in behalf of the international society is deemed to enhance the safety of each member thereof by processes which, having regard for the requirements of justice, appear to be conducive to the preservation of the general peace that any yielding on the part of the United States is to be anticipated.

ADDED MODERN EXAMPLES

Even as late as 1920 we find the following statement in the same book, disclosing a specific example of the general tendency stated supra:

In response to an intimation that the Government of Italy would welcome a statement of the view of that of the United States on the situation presented by the Russian advance into Poland in the summer of 1920, Mr. Colby, Secretary of State, found occasion to make clear the grounds forbidding recognition of the Soviet regime in Russia. These were in brief that the existing rulers of that country were not in power by the will or consent of any considerable portion of the Russian people, but represented a small minority thereof, and by means of savage oppression retained control. Secondly, it was pointed out that the existing regime was "based upon the negation of every principle of honor and good faith, and every usage and convention underlying the whole structure of international law; the negation, in short, of every principle upon which it is possible to base harmonious and trustful relations, whether of nations or individuals."

We seemingly have no limit to the protests of our Secretaries against the rigorous measures adopted against the Hebrew nationals of Russia and Rumania, and there has been no hesitancy at all on the part of our State Department to dissuade a state against such ruthless policies.

BACKWARD-NATION PRINCIPLES

Again the United States has been disposed to contend that in certain countries not accepted as full-fledged members of the family of nations, especially where American missionary enterprises were permitted to operate, native nationals associated therewith by religious professors or authorities should not be subjected to molestation or persecution. According to article XIV of the Treaty between the United States and China of October 8, 1903—

Any person, whether citizen of the United States or Chinese convert, who, according to these tenets, peaceably teaches and practices the principles of Christianity shall in no case be interfered with or molested therefor. No restrictions shall be placed on Chinese joining Christian churches. (Malloy's Treaties, I, 268.)

Another reason for urging a State to refrain from inhumane treatment of its own nationals is to be found in the circumstance that when charged with the denial of justice to resident aliens, the territorial sovereign may endeavor to rely in defense on the fact, if it be one, that such individuals were accorded treatment no more severe than that applied to nationals, and were not, in its judgment, so dealt with as to justify interposition in their behalf. (See, in this connection, Duties of Jurisdiction, infra, par. 266–267.) As a matter of fact, further in the Seventh International Conference of American States we have this statement:

It shall never be deemed an unfriendly act for any State or States to offer good offices or mediation to other States engaged in a controversy threatening or rupturing their peaceful relations, to the end that such differences may be so composed as to avoid recourse to or to end measures of force between the different States. The aforementioned good offices or mediation shall not be applicable when other methods of peaceful solution emanating from treaties or agreements between the parties for the peaceful settlement of international disputes shall have begun to function.

ATTEMPTS TO REMEDY BY TREATIES

In addition to this, for over 330 years we have a plethora of citations where religion has been the subject of treaties. Treaties authorizing a specific interference by one State in the internal affairs of another either by constituting a protectorate of the people of a particular nationality, or holding a particular religious faith, or by giving a guaranty of a particular constitution, or reigning family, or succession to the throne have all been made through the ages. Some of the most striking examples that come to mind now are the provisions for the Dissidents in Poland, and for the Christians in Turkey, and the Jews in Rumania. Poland is the outstanding example in constitutional matters while the pragmatic sanction is best seen in dynasties. As a matter of fact, the Hanoverian Succession in England is as good an example as can be found.

It would be interesting to trace the various clauses in treaties covering these points from the Treaty of Westphalia in 1648 to the present date. We would behold the enormous attention paid to the rights, and these rights caused bloodshed and cut across all national and geographical interests of sovereigns and reigning families. This is especially true of lines resulting in great territorial changes and economic disaster; the period antedating the American Declaration of Independence. It is a curious study to watch the change to State development, then changing to rights of nationalities.

The Treaty of Paris, which recognized the final conquest of Canada by Great Britain from France, had special provisions—article 4—for liberty to "the new Roman Catholic subject" of the King of Great Britain to follow their own religious worship.

In the Treaty of Oliva there were stipulations for the protection of the coreligionists of either power in the territories of the other. Poland stipulated for the protection of Roman Catholics in North Livonia, and Sweden for the protection of those who were afterward known as the "Dissidents" in Poland.

In the Treaty of Moscow in 1686 Poland promised Russia not to molest members of the Orthodox Church of Lutherans and not to try to make them Roman Catholics.

Even the capitulations with Turkey give us examples, as in the capitulations of 1740, which gave to French subjects the right to visit the holy places at Jerusalem. In the Treaties of Carlowitz (1699) between Poland and Turkey and Austria and Turkey, there are stipulations for the freedom of the exercise of the Roman Catholic religion.

In over 200 major treaties there are instances abounding with stipulations and guaranties concerning religious liberty, so that a really effective world-wide opinion has been formed concerning the right of nations to offer the good offices of statesmanship with reference to the internal concerns of other nations, not only by this method of treaties but by actual protests and offer of good services.

OTHER FIELDS

It would be interesting also to set out the many ways in which interference is guaranteed in many other subjects than armaments—of course, are all too familiar with stress on the efforts to maintain a balance of power, the right of succession, fishing rights, spheres of influence, extraterritoriality philosophy by injuries to nationals.

MISSIONARIES

Even in the great overthrow of its previous action in regard to missionaries the following statement has been in the records of the Secretary of State in protest against Japanese practices. It is noted from Mr. Seward's letter to the Right Reverend Horatio Potter, 74 MS Dom. Letter 417—

It is to be feared, however, that any attempt to induce them (the Japanese) to change their policy in respect to our religion would be premature. Still this Department will instruct Mr. Volkenburgh, United States Minister to Japan, to make inquiries, and, if he should find the prospect at all favorable at this time, to cooperate with Her Majesty's representative.

Obviously this is a broad statement and can well be said to help both American nationals as well as those of other countries. A far more indicative letter is that which Mr. Fish, Secretary of State, sent to Mr. Ade at Madrid on December 8, 1776.

Upon the 23d of November Sir Edward Thornton called upon me and stated that he was instructed by Lord Derby to read to me, and if I desire it to leave with me copy of an instruction bearing date October 28, which had been addressed to Mr. Layard, Her Majesty's minister at Madrid, touching religious toleration in Spain, and that Lord Derby expressed the hope that the Government of the United States might instruct its representative at Madrid to make representations in a similar sense to the Government of the King. I transmit, herewith, a copy of this instruction, which was given me by Sir Edward Thornton.

You will perceive its guarded character, and while Lord Derby states that Her Majesty's Government have learned with great regret that the Spanish Government had placed upon the eleventh article of the constitution an interpretation so much at variance with the spirit of toleration now so universal in civilized states, and with the more enlightened policy which has been followed in Spain since the year 1869, without apparent ill consequences, and while Her Majesty's Government would gladly learn that the recent orders have been rescinded or relaxed, he has not thought it advisable to instruct Mr. Layard to make any formal or official application to the Government of Spain in that sense. Lord Derby, however, expresses the hope entertained by Her Majesty's Government with regard to religious freedom may not be followed by others of a still more retrograde character, which Senor Caldern y Callantes, the Minister of State, admits are secured by Protes-

tants by the eleventh article of the constitution, will be scrupulously respected, with its reliance upon the good faith of the Spanish Government to act promptly and energetically in repressing any attempt on the part of local authorities to infringe upon these rights. Mr. Layard is instructed to speak in this sense to the Spanish Minister of Foreign Affairs and to lose no opportunity for impressing upon the Spanish Government the deep interest with which the question of religious liberty in Spain is regarded by Her Majesty's Government and by all classes of Her Majesty's subjects.

The question had been presented to this Government before Sir Edward's interview with me, and I have appreciated the delicacy of making representations to a foreign state concerning religious freedom within its own borders, as Lord Derby appears to have done. While, therefore, it is not deemed advisable to instruct you to make any remonstrances or to prefer any formal or official application concerning the steps that have lately been taken in Spain on the question, you are instructed to act in concert with Mr. Layard, Her Majesty's minister, in the sense in which he is instructed by Lord Derby, and to take occasion to speak in a similar sense to the Minister of State, impressing upon him the deep interest which the question of religious liberty in Spain excites in the United States, and the strong hope that the steps lately taken by the Spanish Government with reference to religious freedom and toleration may not be followed by others of a more retrogade character, and that the rights which the Minister of State admits are secured to Protestants by the eleventh article of the constitution may be entirely respected, and that the United States rely upon the good faith of the Spanish Government to promptly and firmly suppress any attempts from any quarter to infringe upon these rights.

OBSERVATIONS

While from this study it should be obvious that the United States will protect its own nationals in any country within reasonable limits, and that it will also interpose objections or its concern over the plight of foreign nationals when that plight is responsible for repercussions in the United States. In addition, it can be readily seen that there is a growing feeling to extend that to at least an intercessory stage over heinous acts, even in the case of foreign nationals. When we realize the expressions of opinion by nationals of one country over such common concerns as the condition of labor, the position of women in other countries, we see gradually emerging the basis for friendly suggestions on religious matters. If we are to have any standing at all in the family of nations, it may well be our position to ask for a conference of nations on the duty of each nation to allow religion the right of development and the right of physical places of worship.

Added instances of internal suggestive interference right in the Montevideo Conference on rights of women and labor all show the tendency of every nation to come more and more together on common ground. It must be realized that every sovereignty courts the good will of every other sovereignty. When nations fail to heed the warnings of other nations' repercussions, it is only because of their blindness to international good will and progress.

Let us look at two expressions of views on the matter of persecution and intolerance. The first is that of Mr. Blaine:

The Government of the United States does not assume to dictate the internal policies of other nations, or to make suggestions as to what their municipal laws should be, or as to the manner in which they should be administered. Nevertheless, the mutual duties of nations require that each should use its power with a due regard for the results which it exercises and produces on the rest of the world (Foreign Relations, 1891, pp. 737–739).

Another view is that of President Harrison, enunciated on December 9, 1881. The subject again is the Jewish persecution in Russia:

This Government has found occasion to express in a friendly spirit, but with much earnestness, to the Government of the Tzar its serious concern because of the harsh measures now being enforced against the Hebrews in Russia.

Parenthetically we may add that the word "earnestness" has a significant connotation in diplomatic intercourse. It is an outright warning of a serious intention to follow up the representation insofar as the demands of the crisis should allow.

The handling of the entire matter in Russia by our Government was an attempt on the surface to assuage the amour proper of the Russian Government, but the veneer of diplomatic nicety is so thin that its easy penetration discloses the humanitarian purpose behind the efforts of this country.

It is interesting to note that another President saw no occasion to spread over his attitude any veneer in his attempt to cut through the heart of the ordinary diplomatic cheval-de-frise. President Roosevelt, on a similar occasion, gathered together the petitions on the Russian situation and forwarded them to our Ambassador in Petrograd. He accompanied that despatch with a letter which cited the atrocities and set out a bill of particulars of complaints. Our American Ambassador attempted to present that despatch to the Russian Secretary of State, who obviously refused to receive them, but the attendant publicity on a world-wide scale was so effective that Russia stood humiliated by this forthright attempt of the keen-witted "Teddy."

On this entire subject of intervention for humanitarian purposes the phrases used are indeed varied but synonymous. Some text writers use the phrase "on the ground of humanity", others "abhorrent conditions" still others "against immoral acts"; all seem especially directed toward the violation of the principles of decency and humanity. Certainly it may fairly be said that they are attempting to protect the inhabitants of the involved state from treatment which is so arbitrary and persecution so abusive as to exceed the limits of that domestic authority, within which sovereignty is supposed to be exercised with reason and justice.

We cannot escape the conclusion that the people of one nation are directly and sympathetically affected by any attempt of another nation to even abridge the right of that other nation's own nationals. We have seen that wherever the repercussions of these abusive practices spread their effect beyond the boundaries, either by enforced emigration, or other methods, another nation so affected is bound to interfere or interpose its good offices. We have seen also that where the action is so heinous or so inconsistent with the principles of decency that interference is justifiably growing.

Perhaps the best summary is included in the scholarly article of Charles Cheney Hyde in volume 6 of the Illinois Law Review, where he says:

It is insufferable, however, that the tyrannical conduct of a State toward its own subjects might directly affect a numerous class of subjects of another State who were connected by blood with the victims of ill-treatment. If the injury thus sustained was of periodic recurrence and felt by large numbers of the population of the outside State, the latter would doubtless assert the right to intervene. In so doing, it would find justification for its action on grounds closely analagous to those of self-defense.

Thus we see a connection by blood as a basis for action.

CONSTITUTIONAL DISABILITIES IN MEXICO

May we not say that a connection by religion is another basis? May we not say also that when we have absolute proof of a constitution which seeks to abolish religion as is stated in article 3 of the Mexican Constitution, "No religious corporation, nor minister of any religious creed, shall establish or direct schools of primary instruction", that such a statement affects countless millions connected by religion? Further, article 130 of the same constitution, "The State legislatures shall have the exclusive power of determining the maximum number of ministers of religious creeds according to the needs of that locality." Are these not two instances? Physically and practically, are we not interested in the sworn affidavits of countless numbers of American citizens who found themselves in Mexico on legitimate errands and were deprived of all religious opportunities. The plethora of instances are so remarkable that they must have a reverberating sympathy among millions in America. As a matter of fact, our own foreign office makes the statement that they "had piles of letters and petitions from Americans living in Mexico making such similar requests."

In an official communique, the Mexican Ambassador, Señor Francisco Castillo Najera, in discussing the church problem of his country, said:

There is a great deal of agitation going on, but the agitation is outside of Mexico. Mexico is quiet, indifferent.

This reminds us of the family of Jews in Germany who wrote to relatives in the United States as follows:

We have a wonderful life. Not a hair on the head of any Jew has been touched, and Mr. Hitler is bringing us to a better future. Uncle Moritz, who expressed the opposite opinion, is being buried tomorrow.

The unalterable conclusion is that millions of communicants in this country of all denominations, though primarily the Catholic church is involved, feel a tug at their sensitive sympathies over the deplorable state of brutality and Bolshevistic efforts of the Mexican Government to wipe out religion as we understand it.

Now, certainly in a family of nations such an attitude cannot be consistently approved when that nation attempts to hold the control on all other subjects. There is no question but what Mexico wishes to derive the utmost advantage from a most friendly intercourse with this Nation. There is no question but what the very people whose fellow communicants are so brutalized in Mexico must feel bitter toward Mexico. Such an attitude is not good for Mexico, and it is not good for America. It seems fitting and proper that America should speak, and speak of the voices which rise in protest, even if only to acknowledge the condition.

This Congress is fully aware of the apprehension with which millions of communicants of all denominations in America are startled by the religious disabilities in Mexico. The ever-growing tendency of nations to remove the obstacles which cause unfavorable repercussions in other lands warrants us in vouchsafing the hope that there will be even greater opportunity for the teachings and practices of religion in the family of nations. We believe that the common consent of mankind favors the utmost development of religious worship.

In the growth of society it is not too much to expect that the fullest appreciation of this hope will find greater residence not only in Mexico but in every other nation at present outside the world thought on this subject. I believe there is no infringement on the rights of the Executive and the State Department in asking this Congress to go on record and extend its fullest apprehension of alarm and sorrow of millions of American communicants of all denominations in this country over the religious disabilities, not only in Mexico but in other nations. I believe that every congress or parliament of the world has a right to state the facts like these and to express a hope for the elimination of such conditions. I believe also that passage of similar resolutions or expressions of hope throughout the world sooner or later will be the basis for a new development of international law and would in the end result in a new chapter in religious tolerance on a world-wide basis.

It is only necessary to repair to the greatest ecclesiastical critics in history to appreciate what they think about the salutary value of divisions in religion. Fundamentally, we must keep in mind that there has been a division in religion that has forced tolerance in this country and has been the basis for our comparative religious freedom.

It was Francois de Salignac de la Mothe-Fenelon, a French prelate, who said in advising the Pretender, son of James II, of England, to practice religious toleration in case he came to the throne. "No human power," he declared, "can force the intrenchments of the human mind; compulsion never persuades—it only makes hypocrites." And again, to the same prince, "When kings interfere in matters of religion, they enslave instead of protecting it."

It was Voltaire also who said that one religion in the state presents a formidable despotism, while two results in the attempts of each to throttle the other, but if there are 30, there is happiness and peace.

It is perhaps fitting that we should close with the brilliant opening remarks of Viscount Bryce in his immortal chapter on the Churches and the Clergy.

In examining the National Government and the State governments we have never once had occasion to advert to any ecclesiastical body or question, because with such matters government has in the United States absolutely nothing to do. Of all the differences between the Old World and the New this is perhaps the most salient. Half the wars of Europe, half the internal troubles that have vexed European states, from the Monophysite controversies in the Roman Empire of the fifth century down to the Kuiturkampf in the German Empire of the nineteenth, have arisen from theological differences, or from the rival claims of church and state. This whole vast chapter of debate and strife has remained virtually unopened in the United States. There is no established church. All religious bodies are absolutely equal before the law, and unrecognized by the law, except as voluntary associations of private citizens.

The Federal Constitution contains the following prohibitions:

Article VI: No religious test shall ever be required as a qualification to any office or public trust under the United States.

Amendment I: Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

No attempt has ever been made to alter or infringe upon these provisions. They affect the National Government only, placing no inhibition on the States, and leaving the whole subject to their controlled discretion, though subject to the general guarantees against oppression.

Every State constitution contains provisions generally similar to the above. Most declare that every man may worship God according to his own conscience, or that the free enjoyment of all religious sentiments and forms of worship shall be held sacred; most also provide that no man shall be compelled to support or attend any church.

The idea that religious liberty is the generating force of civil liberty and that civil liberty is the necessary condition of religious liberty is a heritage of the seventeenth century. That great political ideal sanctifying freedom and consecrating it to God, teaching man to treasure the liberty of others as their own, and to defend them for the love of justice and charity more than as a claim of right, has been the soul of what is great and good in the progress of the last 250 years. The cause of religion, even under the unregenerate influence of worldly passion, has had as much to do as any other motives of policy in making our country the foremost of the free. If it is our eventual destiny to isolate ourselves and to free our thoughts, as well as all intercourse from foreign alliances, may we never hesitate to speak out the thoughts which ruffle the consciences of great masses of our people. It is right that we should present to the world the reaction of minorities, and even majorities. It is a good thing for us, and it is a better thing for them.

WOULD YOU KILL ALL DOGS BECAUSE ONE DOG IS MAD?

Mr. HOEPPEL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a letter I have written a constituent in reference to utilities bills.

The SPEAKER. Is there objection?

Mr. SABATH. Reserving the right to object, if we start to print letters that we send to our constituents, the RECORD will be overcrowded to such an extent that I do not know what value there will be to it.

Mr. SNELL. It is the gentleman's own remarks?

Mr. HOEPPEL. It is a statement of a principle that I think will be of interest to Members.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOEPPEL. Mr. Speaker, under leave to extend my remarks in the RECORD, I insert at this point a letter written to a constituent who, like myself, is interested in the abolition of holding companies, but who, apparently, was influenced by the administration propaganda in reference to the so-called "death clause" in the utility bill.

This bill is now in conference, and the differences between the Senate and the House measures may be adjusted so that the bill may be acceptable to me. If it is returned to the House in a form which I can conscientiously support, I shall be glad to do so, but I reiterate my opposition to the "death clause", which permits one individual to exercise arbitrary domination over the investments of our citizens.

The letter to my constituent is as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., July 12, 1935.

Mr. W. H. WIEDING,
Alhambra, Calif.

DEAR MR. WIEDING: I acknowledge yours of the 5th instant, wherein you and those associated with you express yourselves as disturbed as to my vote on the holding-company bill.

As shown in the press reports, I voted against the "death clause" because I considered it my duty to do so in the interest of the honest, innocent investors in the various operating companies within the holding companies.

Both the Senate and the House bills provide for the dissolution of unnecessary holding companies with this important difference—that the Senate provides for arbitrary action to this end and the House bill seeks to eliminate unnecessary holding companies through an orderly, fair procedure which would, at the same time, protect the thousands of innocent investors. No judge should have the authority to bring an American citizen before him, on his own complaint, and to sentence such an individual to oblivion without a jury trial. In my opinion, there should be no objection to the Security Exchange Commission, appointed by the President, acting as a jury to pass upon the validity of charges brought against holding companies.

Personally, I am opposed to holding companies, but when I find a mad dog on the street, I do not feel inclined to kill every other dog on the street. The American people who have investments in utility companies certainly have the right, as citizens, to be heard on any complaints or charges made against the administration of their investments.

As I stated in a speech which I made on the floor of the House on July 2, 1935, and which you will find on page 10636 of the CONGRESSIONAL RECORD, I am not in favor of destroying wealth. I believe in creating wealth and not in curtailing the production of wealth as we are doing today in the A. A. A. I suggested to the committee that all holding companies and all companies doing an interstate business be incorporated under Federal laws and that regulation through step-rate taxation and other methods should be sufficient to control unfair practices. The holding company evil has developed to its present proportions since the intercorporation tax was repealed following the World War, and with the imposition of a step-rate tax, the liquidation of unnecessary holding companies would be brought about through strictly constitutional means without any of the distress and suffering incident to their arbitrary dissolution.

I am interested in recovery through sensible legislation predicated upon existing law and the constitutional rights of the citizen. To vote arbitrary power to any individual to efface and destroy the investments of our citizens without due process of law or a hearing would, in my opinion, be in violation of my oath as a Representative.

As long as I represent the constituency of the Twelfth Congressional District of California, I shall never swerve from what I consider to be my duty as your representative, regardless of pressure from any source.

With best wishes and kind personal regards, I am,

Sincerely yours,

J. H. HOEPPEL, M. C.,
Twelfth District of California.

EXTENSION OF REMARKS

Mr. ROMJUE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an address delivered by Hon. C. C. Dickinson, a former Member of this House.

The SPEAKER. Is there objection?

Mr. MARTIN of Massachusetts. Mr. Speaker, on yesterday the Democratic side refused to allow an address by a former Member to be inserted in the RECORD, and I object.

Mr. ROMJUE. Mr. Dickinson was a former Member of the House, and he made this address before the American Legion Post named after his son, Clement Dickinson. His son was killed on the battlefield in the late war.

Mr. MARTIN of Massachusetts. I am sorry, but we cannot be playing favorites. The Democratic side objected to the printing of an address by the former Member of the House, the gentleman from New Jersey, Mr. Fort. That being the rule established by the majority, I must object.

Mr. ROMJUE. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. ROMJUE. Mr. Speaker, I hope the gentleman will not hold me responsible for everything he thinks the Democratic Party does.

Mr. SNELL. No; but we have to protect our own people on this side.

Mr. ROMJUE. Let us not be boys about this matter. I should be very glad if Mr. Fort's address should be inserted in the RECORD. Why punish me or former Congressman Dickinson's friends, because somebody, forsooth, on the Democratic side may have objected to Mr. Fort's address being put into the RECORD? It might be if he were here today, he would withdraw the objection. If we are going to indulge in tactics of that kind when this country is in the condition it is now, if a man on the floor of this House, whether Democrat or Republican, is going to say just because somebody did so-and-so, or somebody's party did so-and-so, he would not do this, that, or the other, I am going to protest such tactics.

Mr. MARTIN of Massachusetts. The only reason for our insisting upon it is that we have found in the past when we let speaking go on unrestricted on the other side, when one of our Members wanted to speak there was objection. This is happening continually, and we have to stand up for our rights. The only chance we have to be protected is to see that our people are taken care of.

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

Mr. ROMJUE. Yes.

Mr. MILLARD. Why not put in Mr. Fort's address also?

Mr. ROMJUE. I should be very glad to do that. I have no objection to it. I suggest that both of them go in, if that is satisfactory.

Mr. MARTIN of Massachusetts. That is all right.

Mr. ROMJUE. Then, Mr. Speaker, I ask unanimous consent that I be permitted to insert former Congressman Dickinson's address to which I have just referred, and also that the address of former Congressman Fort be inserted.

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

Mr. SABATH. Mr. Speaker, what is the request?

The SPEAKER. The request is that speeches made by former Congressmen Dickinson and Fort be inserted in the RECORD.

Mr. SABATH. Oh, I objected to that yesterday, and I am going to object to all political speeches made by ex-Senators or ex-Members or ex-this or ex-that, because there is no foundation for many of the statements that they make and they do not contain the truth or the facts. I am sick and tired of requests of this kind.

The SPEAKER. The gentleman from Illinois objects.

FOUNDING OF COLONY OF CONNECTICUT

The SPEAKER. The Chair lays before the House the following appointments, which the Clerk will report.

The Clerk read as follows:

Pursuant to the provisions of Public Resolution 18, the Chair appoints as members of the commission for the participation of the United States in the observance of the three hundredth anniversary of the founding of the Colony of Connecticut the following Members of the House of Representatives:

Mr. KOPPLEMANN, Mr. CITRON, Mr. SHANLEY, Mr. SMITH of Connecticut, Mr. MERRITT of Connecticut, Mr. HIGGINS of Connecticut.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. MORITZ, for a few days, to attend to legal matters involving his estate.

EXTENSION OF REMARKS

Mr. ROMJUE. Mr. Speaker, my colleague, Mr. SABATH, did not understand the situation as it was referred to a moment ago, and he assures me that he will now withdraw his objection. Mr. Dickinson's speech was not on a political subject but of patriotic nature.

Mr. SABATH. I understand this is patriotic and not a political speech.

Mr. SNELL. Mr. Speaker, the gentleman from Missouri has connected up his request with a request that Mr. FISH made yesterday, that Mr. Fort's speech should be also extended in the RECORD.

Mr. BLANTON. I understand that the Fort speech is already in the RECORD.

Mr. SNELL. If one goes in, the other does.

Mr. ROMJUE. My request is that they both go in. I ask unanimous consent to extend my remarks and to insert the address made by former Congressman Dickinson and also that the address made by former Congressman Fort may be inserted in the RECORD.

Mr. BLANTON. If the gentleman from Missouri [Mr. ROMJUE] has a request of his own, I have no objection, but he ought not to embrace several others in his own request. Let them all stand on their own bottoms.

Mr. SNELL. Mr. Speaker, I object.

WHY DO THE DEMOCRATIC LEADERS OF THE HOUSE USE THEIR POWERFUL POSITIONS TO PREVENT A CONSIDERATION OF THE FRAZIER-LEMKE FARM REFINANCE BILL?

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

The SPEAKER. Is there objection?

There was no objection.

Mr. BURDICK. Mr. Speaker, in asking Members of Congress to go to the Speaker's desk and sign petition no. 7, I am asking them to make it possible for the farmers of America to bring on the floor for discussion the Frazier-Lemke farm refinance bill. This bill has been reported out by the Committee on Agriculture by a vote of 14 to 5, but still the Rules Committee refuses to grant a rule under which this bill can be discussed.

Regardless of whether you believe in the principles of the bill or do not, it would seem that no Member of Congress would refuse to allow the bill to be discussed. A refusal to allow any important matter to be discussed is the very worst thing that could ever happen to representative government. It would be a blunder for this Congress to refuse to hear the bill.

Politically, in the blunder of refusing to discuss the bill, the Democrats will suffer the most, as the Democratic Party is in control of the House. In asking you to sign the petition I do not have in mind what effect a discussion of the bill will have on either party. It is nonpolitical. The Republicans of this House have been more generous in signing the petition, according to their numerical numbers, than have the Democrats, but none of the Republicans have been asked to sign the petition for any purpose but the sole and only purpose of permitting the farmers of America to have a hearing on a bill that they have supported in such great numbers. I have heard it said that the Republicans are signing the petition to put President Roosevelt in the hole, evidently meaning that the bill will pass the House and Senate and must then be vetoed by the President. No such intent was ever conceived by me in asking you for your support. Personally, I supported the President in a Republican State, and even now it would please me to see the President make good with the American people. I am not now, and have never been, so blinded by partisan politics that I must refuse to support a principle which is right.

Should this Democratic House be responsible for the refusal to allow this bill to be discussed, the result would be to drive supporters of the President away from him. For this reason, therefore, a refusal would have a devastating effect upon the Democratic Party, at least more so than on the Republican Party.

The examination of the record of the Seventy-fourth Congress will clearly demonstrate that the moment any measure comes upon the floor involving a clash between the people on one side and the special interests on the other that the supporters of the special interests spring to their feet in defense of those interests, regardless of party. On such questions as money and banking, the utilities, or any other major issue, I challenge anyone to find the least difference between the mental attitude of the congressional members from New York and the members from Virginia.

This fight will continue until the people win, and, in my judgment, the days of the two-party system are drawing to a close. There may never be more than two major parties, but this much is true: that the Republican Party has been put out of commission by the people and its leaders are not progressive enough to reinstate the party. The Democrats are on the way out now, as its leaders have listened to the call of special interests instead of the people. Further than that, bureaucratic departments, established by the Democratic Party with increased powers, have arrived at a place and time where they defy all parties and all principles. Every vestige of the peculiar rights of States has been trampled under foot, and the Constitution has been regarded by them as a literary composition.

To indicate clearly to you that there is no political action in the minds of Members who refuse to sign the petition, let me say that this refusal, in my opinion, comes mostly from States that are reactionary. When a State is so reactionary that neither Democrats nor Republicans will dare to sign this petition, then I say to you that neither party can long claim leadership with the American people. I refer to such States as New York, Pennsylvania, New Jersey, and Massachusetts. What does the record show as measured by this bill?

New York with 45 Members of Congress: 29 Democrats, 1 Democrat has signed; 16 Republicans, 4 Republicans have signed.

New Jersey, 14 Members: 10 Republicans, 4 Democrats, none have signed.

Massachusetts, 15 Members: 8 Republicans, none have signed; 7 Democrats, 3 have signed.

Illinois, 25 Members: 6 Republicans, 5 have signed; 19 Democrats, 5 have signed.

Pennsylvania, 34 Members: 11 Republicans, 4 have signed; 23 Democrats, 3 have signed.

Connecticut, 6 Members: 4 Democrats, 2 Republicans, none have signed.

Every Republican Congressman west of the Mississippi River has signed this petition.

The following State delegations in this House have signed the petition regardless of political affiliation: Arizona, Delaware, Idaho, Iowa, Kansas, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Vermont, Washington, and Wyoming.

The following States have not contributed a single Member to the petition: Alabama, Connecticut, Kentucky, New Jersey, North Carolina, Rhode Island, and Virginia.

STATES MEMORIALIZING H. R. 2066

The following State legislatures have passed resolutions favoring the bill: Montana, Nevada, Wisconsin, Illinois, Minnesota, North Dakota, California, Nebraska, Oregon, Indiana, Arizona, Idaho, Colorado, Oklahoma, South Dakota, Tennessee, Iowa, South Carolina, Kansas, Michigan, Ohio, Texas, Kentucky, Wyoming, North Carolina, Arkansas, New Mexico, New Jersey, Washington, Missouri, Florida, and Louisiana.

Lower houses: New York, Delaware, Pennsylvania, and Alabama.

Territory: Hawaii.

On the 5th of July the signers on the Frazier-Lemke petition had reached the number of 212, lacking only 6 more signers to constitute a majority of the present House Membership of 431. As soon as the administration leaders discovered the nearing success of the Frazier-Lemke petition, they at once began a campaign of interviewing Members to secure withdrawals from the petition. This movement was successful for the time being, as 12 Democrats withdrew their names. Fearing that the movement thus started by the Democratic leaders was the result of White House interference, a committee of 4 Democrats and 2 Progressive Republicans called at the White House and were there assured that the President knew nothing of this activity, and had neither directly nor indirectly authorized any such move, and the further assurance was given at that time that the President would not interfere himself or permit anyone to use his office in any manner to secure the withdrawal of names from the petition.

The active workers for the petition then gathered new hope and began a new campaign to secure the 216 names necessary to bring the bill on the floor. During the 8th, 9th, and 10th of July no interference with the securing of signatures was evident. On the 11th of July things began to happen again. The petition had come within 4 names of having the required 216 signatures. All at once, without any warning, the House leaders began a sudden campaign to resist the petition.

The Speaker of the House, the Chairman of the Rules Committee, and the Democratic whip began a counter-campaign, telling Democratic Members not to sign the petition or to withdraw their names if they had signed, on the story that the President did not want the bill to come on the floor for discussion. By the time the petition had come within four names of having enough signatures, and while a Demo-

crat was addressing the House in a political speech, the House was suddenly adjourned. I have been advised by old parliamentarians that never before was the House adjourned by the majority party in the midst of a speech by a majority member.

That is the situation, and I, for one, do not understand what forces are behind this move to prevent a discussion of this bill. Surely, it would be political suicide for the President to prevent a discussion of the bill when 32 legislatures have passed resolutions favoring it. Another fact seems well established: that honorable men like the House leaders named would not make this move on their own account.

The backers of the Frazier-Lemke petition merely ask for one simple right—namely, that the bill be permitted to come on the floor for debate. That is all. I presume a great many fair men have signed the petition for that reason and no doubt some will vote against the bill when it is debated. But that is immaterial, the question is: Will this Democratic Congress take the position of saying to 50,000,000 farm voters "You cannot have your farm bill discussed in this Congress, even though 32 States have approved it, and even though 212 Congressmen have approved a discussion of the bill"? If this Democratic Congress is willing to take this responsibility I am sure I am right in my prediction, that the Democratic Party will be relieved of further responsibility on this bill when a new Congress convenes. "Truth crushed to the earth shall rise again."

There is more than the mere Frazier-Lemke bill involved in the present situation. The question of representative government is at stake. Can it be that great questions, backed by millions of citizens, backed by a majority of the State legislatures of the Nation, and involving the security of homes for millions of distressed citizens, cannot have a hearing before a Congress elected by the people of the Nation? To hold this view means the final destruction of the Government itself. Let those who desire this course take the responsibility of it.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1064. An act for the relief of Albert Gonzales; to the Committee on Claims.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 2566. An act for the relief of Percy C. Wright;

H. R. 5393. An act for the relief of Moses Israel;

H. R. 5599. An act to regulate the strength and distribution of the line of the Navy, and for other purposes; and

H. J. Res. 347. Joint resolution to provide for the compensation of pages of the Senate and House of Representatives from July 1, 1935, until the close of the first session of the Seventy-fourth Congress.

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

S. 883. An act directing the retirement of acting assistant surgeons of the United States Navy at the age of 70 years; and

S. 2779. An act to authorize the conveyance of certain lands in Nome, Alaska.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 2 o'clock and 4 minutes p. m.) the House, under its order previously made, adjourned until Monday, July 15, 1935, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

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

415. A letter from the Chairman of the Federal Power Commission, transmitting three copies of the domestic and residential energy rates in the State of West Virginia on January 1, 1935; to the Committee on Interstate and Foreign Commerce.

416. A letter from the Chairman of the Federal Power Commission, transmitting three copies of the domestic and residential energy rates in the State of Montana on January 1, 1935; to the Committee on Interstate and Foreign Commerce.

417. A letter from the Chairman of the Federal Power Commission, transmitting three copies of the domestic and residential energy rates in the State of New Jersey on January 1, 1935; to the Committee on Interstate and Foreign Commerce.

418. A letter from the Chairman of the Federal Power Commission, transmitting three copies of the domestic and residential energy rates in the State of Washington on January 1, 1935; to the Committee on Interstate and Foreign Commerce.

419. A letter from the Chairman of the Federal Power Commission, transmitting three copies of the domestic and residential energy rates in the State of Tennessee on January 1, 1935; to the Committee on Interstate and Foreign Commerce.

420. A letter from the Chairman of the Federal Power Commission, transmitting three copies of the domestic and residential energy rates in the State of Alabama on January 1, 1935; to the Committee on Interstate and Foreign Commerce.

421. A letter from the Chairman of the Federal Power Commission, transmitting three copies of the domestic and residential electric energy rates in the State of Arizona on January 1, 1935; to the Committee on Interstate and Foreign Commerce.

422. A letter from the Chairman of the Federal Power Commission, transmitting three copies of the domestic and residential electric energy rates in the State of South Dakota on January 1, 1935; to the Committee on Interstate and Foreign Commerce.

423. A letter from the Chairman of the Federal Power Commission, transmitting three copies of the domestic and residential electric energy rates in the State of Florida on January 1, 1935; to the Committee on Interstate and Foreign Commerce.

424. A letter from the Chairman of the Federal Power Commission, transmitting three copies of the domestic and residential electric energy rates in the State of Idaho on January 1, 1935; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. Senate Joint Resolution 144. Joint resolution to provide for the payment of compensation and expenses of the Railroad Retirement Board as established and operated pursuant to section 9 of the Railroad Retirement Act of June 27, 1934, and to provide for the winding up of its affairs and the disposition of its property and records, and to make an appropriation for such purposes; without amendment (Rept. No. 1504). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. House Joint Resolution 314. Joint resolution to provide for a commission to investigate the desirability of further retirement and annuity legislation applicable to interstate carriers by railroad; without amendment (Rept. No. 1505). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. S. 1336. An act to amend paragraph (f) of section 4 of the Communications Act of 1934; without amendment (Rept. No. 1506). Referred to the Committee of the Whole House on the state of the Union.

Mr. DOXEY: Committee on Agriculture. S. 1787. An act to add certain lands to the Pisgah National Forest in the State of North Carolina; without amendment (Rept. No. 1507). Referred to the Committee of the Whole House on the state of the Union.

Mr. DOXEY: Committee on Agriculture. S. 1811. An act providing for the publication of statistics relating to spirits of turpentine and rosin; with amendment (Rept. No. 1508). Referred to the Committee of the Whole House on the state of the Union.

Mr. DOXEY: Committee on Agriculture. S. 2649. An act to provide for a recreation area within the Prescott National Forest, Ariz.; without amendment (Rept. No. 1509). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOLMES: Committee on Public Buildings and Grounds. S. 37. An act authorizing the Comptroller General of the United States to settle and adjust the claims of subcontractors and materialmen for material and labor furnished in the construction of a post-office and courthouse building at Rutland, Vt.; without amendment (Rept. No. 1510). Referred to the Committee of the Whole House on the state of the Union.

Mr. O'CONNOR: Committee on Rules. House Resolution 294. Resolution for the consideration of H. R. 8026; without amendment (Rept. No. 1511). Referred to the House Calendar.

Mr. CORNING: Committee on Interstate and Foreign Commerce. S. 1633. An act to amend the Interstate Commerce Act, as amended, and for other purposes; with amendment (Rept. No. 1512). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 8768. A bill to extend the times for commencing and completing the construction of a railroad bridge and/or a toll bridge across the water between the mainland at or near Cedar Point and Dauphin Island, Ala.; without amendment (Rept. No. 1513). Referred to the House Calendar.

Mr. ROGERS of Oklahoma: Committee on Indian Affairs. S. 2510. An act authorizing the Western Bands of the Shoshone Tribe of Indians to sue in the Court of Claims; without amendment (Rept. No. 1514). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROGERS of Oklahoma: Committee on Indian Affairs. S. 1832. An act to authorize the Secretary of the Interior to provide by agreement with Middle Rio Grande Conservany District, a subdivision of the State of New Mexico, for maintenance and operation on newly reclaimed Pueblo Indian lands in the Rio Grande Valley, N. Mex., reclaimed under previous act of Congress, and authorizing an annual appropriation to pay the cost thereof for a period of not to exceed 5 years; without amendment (Rept. No. 1515). Referred to the Committee of the Whole House on the state of the Union.

Mr. McGROARTY: Committee on Indian Affairs. H. R. 8252. A bill to reimpose and extend the trust period on lands reserved for the Pala Band of Mission Indians, California; without amendment (Rept. No. 1517). Referred to the Committee of the Whole House on the state of the Union.

Mr. STEAGALL: Committee on Banking and Currency. House Joint Resolution 348. Joint resolution authorizing exchange of coins and currencies and immediate payment of gold-clause securities by the United States, withdrawing the right to sue the United States on its bonds and other similar obligations, limiting the use of certain appropriations, and for other purposes; without amendment (Rept. No. 1519). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. ROGERS of Oklahoma: Committee on Indian Affairs. H. R. 8508. A bill for the relief of Constantin Gilia; without amendment (Rept. No. 1516). Referred to the Committee of the Whole House.

Mr. KNUTE HILL: Committee on Indian Affairs. H. R. 8509. A bill for the relief of C. R. Whitlock; without amendment (Rept. No. 1518). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. LEMKE: A bill (H. R. 8829) to impose an excise tax on certain sodium products imported from foreign countries; to the Committee on Ways and Means.

By Mr. LUCAS: A bill (H. R. 8830) authorizing the purchase of a bust of Henry T. Rainey made by Joseph Anthony Atchison; to the Committee on the Library.

By Mr. MILLER: A bill (H. R. 8831) to clarify section 104 of the Revised Statutes (U. S. C., title 2, sec. 194); to the Committee on the Judiciary.

By Mr. MONTET: A bill (H. R. 8832) to impose an excise tax on certain sodium products imported from foreign countries; to the Committee on Ways and Means.

By Mr. WILSON of Louisiana: A bill (H. R. 8833) to amend an act entitled "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes", approved May 15, 1928; to the Committee on Flood Control.

By Mr. McCORMACK: A bill (H. R. 8834) to abolish the oath required of customs and internal-revenue employees prior to the receipt of compensation, and for other purposes; to the Committee on Ways and Means.

Also, a bill (H. R. 8835) providing for the deductibility of charitable and other contributions by corporations for the purposes of income tax; to the Committee on Ways and Means.

By Mr. SCRUGHAM: A bill (H. R. 8836) to impose an excise tax on certain sodium products imported from foreign countries; to the Committee on Ways and Means.

By Mr. THOMASON: A bill (H. R. 8837) to impose an excise tax on certain sodium products imported from foreign countries; to the Committee on Ways and Means.

By Mr. STEAGALL: Joint resolution (H. J. Res. 348) authorizing exchange of coins and currencies and immediate payment of gold-clause securities by the United States, withdrawing the right to sue the United States on its bonds and other similar obligations, limiting the use of certain appropriations, and for other purposes; to the Committee on Banking and Currency.

By Mr. CELLER: Joint resolution (H. J. Res. 349) granting the consent of Congress to the States of New York, New Jersey, and Connecticut to enter into a compact for the creation of the Interstate Sanitation District and the establishment of the Interstate Sanitation Commission; to the Committee on the Judiciary.

By Mr. McREYNOLDS: Joint resolution (H. J. Res. 350) to authorize the President to extend an invitation to the World Power Conference to hold the Third World Power Conference in the United States; to the Committee on Foreign Affairs.

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 California, regarding tariff laws on livestock and meats; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of New Jersey, requesting Congress to reduce taxes on distilled spirits; 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. FERGUSON: A bill (H. R. 8838) for the relief of Mrs. W. H. Mansfield; to the Committee on Claims.

By Mrs. JENCKES of Indiana: A bill (H. R. 8839) granting an increase of pension to Mary L. Cottrell; to the Committee on Invalid Pensions.

By Mr. POLK: A bill (H. R. 8840) for the relief of William E. Graham; to the Committee on Claims.

By Mr. SMITH of Washington: A bill (H. R. 8841) for the relief of Estelle Mary MacDonald and Marilyn MacDonald; to the Committee on Claims.

By Mr. SNYDER: A bill (H. R. 8842) granting a pension to Flora Turner; to the Committee on Invalid Pensions.

By Mr. WALLGREN: A bill (H. R. 8843) for the relief of Sgt. Ceasor LaForge, United States Army, retired; to the Committee on Military Affairs.

By Mr. WILCOX: A bill (H. R. 8844) for the relief of John K. Jemison; to the Committee on Military Affairs.

PETITIONS, ETC.

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

9140. By Mr. ANDREWS of New York: Petition of the City Council of Niagara Falls, N. Y., regarding tax exemption of municipal securities; to the Committee on Ways and Means.

9141. Also, petition of the American Legion of Erie County, N. Y.; to the Committee on Military Affairs.

9142. By Mr. CROSSER of Ohio: Petition of several hundred citizens of Toledo, Ohio, favoring the adoption and passage of Senate bill 1629; to the Committee on Interstate and Foreign Commerce.

9143. By Mr. DOBBINS: Petition of J. E. McIntire and 15 other citizens of Hammond, Ill., urging the House Committee on Interstate and Foreign Commerce to approve and report Senate bill 1629, providing for the regulation of interstate highway transportation; to the Committee on Interstate and Foreign Commerce.

9144. By Mr. KENNEY: Resolution of the Senate and General Assembly of the State of New Jersey, urging the President and Congress of the United States to reduce the present Federal taxes on distilled spirits; to the Committee on Ways and Means.

9145. By Mr. SCOTT: Petition of Ernest V. Peterman, a member of the Utopian Society of America, and 49 other members of the society, requesting that a plan be enacted obligating the Treasurer of the United States to pay every minor person under the age of 18 years a monthly allowance of $50, and every person between the ages of 18 and 25 years a monthly allowance of not less than $100, and every person over the age of 25 years a monthly allowance of not less than $200; these sums to be paid to people for work performed according to their various activities; to the Committee on Appropriations.

SENATE

MONDAY, JULY 15, 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 motion of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, July 12, 1935, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

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

Mr. LEWIS. I announce that the Senator from Louisiana [Mr. LONG], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from Utah [Mr. THOMAS] are detained from the Senate on important public business.

Mr. VANDENBERG. I wish to repeat the announcement that my colleague the senior Senator from Michigan [Mr. COUZENS] is absent because of illness.

The VICE PRESIDENT. Ninety-two Senators have answered to their names. A quorum is present.

MESSAGES FROM THE PRESIDENT

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 312. An act for the relief of Lillian G. Frost;

S. 377. An act to grant to the Utah Gilsonite Co. the right to use a water well on certain public lands in Utah;

S. 428. An act authorizing adjustment of the claim of Korber Realty, Inc.;

S. 475. An act for the relief of Mrs. George F. Freeman;

S. 1036. An act authorizing adjustment of the claim of Dr. George W. Ritchey;

S. 1054. An act authorizing adjustment of the claim of White Bros. & Co.;

S. 1099. An act for the relief of Ethel G. Remington;

S. 1290. An act for the relief of Walter Motor Truck Co., Inc.;

S. 1446. An act for the relief of Knud O. Flakne;

S. 1447. An act for the relief of Mary C. Moran;

S. 1498. An act for the relief of Robert D. Baldwin;

S. 1499. An act for the relief of Robert J. Enochs;

S. 1566. An act for the relief of Carl C. Christensen;

S. 1872. An act for the relief of Guy Clatterbuck;

S. 2292. An act for the relief of Emanuel Wallin; and

S. 2487. An act for the relief of the Western Electric Co., Inc.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 3512) for the relief of H. B. Arnold.

The message further announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 239. An act for the relief of the Barlow-Moore Tobacco Co.; and

S. 780. An act for the relief of the Standard Dredging Co.

The message also announced that the House had passed the bill (S. 884) for the relief of Lt. Comdr. G. C. Manning, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 830. An act for the relief of Sanford Madison Strange;

H. R. 921. An act for the relief of Edgar Sampson;

H. R. 1286. An act for the relief of James H. Bell (or James Bell);

H. R. 1437. An act for the relief of August A. Carminati;